



NATIONAL ASSOCIATION OF
STATE DIRECTORS OF
PUPIL TRANSPORTATION SERVICES

Survey of State Laws on 12- and 15-Passenger Vans Used for School Transportation

The National Association of State Directors of Pupil Transportation Services recently surveyed its State Director members to determine the current state-by-state laws/regulations on the use of 12- and 15-passenger vans to transport students to and from school or on school-related activity trips. The survey was done in order to update an earlier study done in 1999. This latest information will allow the association to respond to questions from legislators, the media and the public. A copy of the survey results is attached.

The following summarizes the results of the survey:

- 29 states have laws or regulations that prohibit the use of vans for transporting public school students to and from school and school-related activities.
- 12 states have laws and regulations that prohibit the use of vans for transporting public school students to and from school, but allow the use of vans for school activity trips. [Note: One state has passed legislation that will prohibit the use of vans for activity trips after June 30, 2006.]
- 9 states allow the use of vans for transporting public school students to and from school and school-related activities. [Note: One of these nine states has passed legislation that will not allow the use of vans to transport students after June 1, 2008. Another state has a state-wide, self-insurance pool that will not insure vans used to transport students after July 1, 2005.]
- In many states, the laws and regulations that apply to public schools may not apply to private and church-sponsored schools.

The State Directors Association believes that it is appropriate to require higher levels of safety in vehicles that transport children to and from school and school-related activities. Accordingly, the State Directors Association supports the position that school children should be transported in school buses which provide the highest levels of safety, not in 12- and 15-passenger vans which do not meet the stringent school bus safety standards issued by the Federal government and recommended by the National Conference on School Transportation, an organization of state school transportation officials.

For that reason, the State Directors Association endorses the statements made by Dr. Jeffrey W. Runge, Administrator of NHTSA, in an April 15, 2002, letter to school transportation professionals across the Nation:

School buses that comply with NHTSA's school bus safety standards are the safest form of pupil transportation. A school's purchase or use of 10-15 passenger vans or non-school buses could result in school children being transported in vehicles that do not provide an appropriate level of safety.

While most States require the use of school buses to transport children to and from school and school-related events, some States do not. We urge you to take steps to ensure that all school children in your State are carried on school buses that are certified by their manufacturers as meeting NHTSA's school bus standards.

During its 2003 annual conference, the State Directors Association passed a resolution encouraging legislative action and sent it to both the United States House of Representatives and United States Senate. The resolution encouraged Federal legislators "to re-introduce legislation to prohibit the sale, lease and use of new and used non-compliant motor vehicles for the transportation of school-aged children to and from school and/or school-related activities, including Head Start and daycare transportation." Such legislation has been introduced in Congress in earlier years, but never reached a full vote in either the House or the Senate.

Finally, the State Directors Association believes states are in the best position to ensure that vans, both new and used, are not used in lieu of school buses. This action can be accomplished by establishing strict requirements on the types of motor vehicles that can be used within a state for transporting children to and from school and school-related activities, and enforcing those requirements. It is important that state legislatures understand that allowing the use of vans for transporting students either to and from school or on school activity trips causes any dealer that sells or leases a new van to schools to violate a Federal law.

**State Laws Concerning the Use of 12 & 15-Passenger Vans
As of February 2004**

State	To & From School	To & From School-related Events	Comments
Alabama	No *	No *	* State laws do not apply to private schools.
Alaska	No *	Yes	* State laws do not apply to private schools.
Arizona	No	Yes	
Arkansas	Yes	Yes	
California	No	No	
Colorado	Yes *	Yes *	*State-wide, self-insurance pool for school districts will not insure vans after July 1, 2005.
Connecticut	No	Yes	
Delaware	No	No	
Florida	No *	No *	* Does not apply to private schools or companies that contract directly with parents.
Georgia	No *	Yes *	* State laws do not apply to private schools.
Hawaii	Yes	Yes	
Idaho	No *	Yes	* State statute allows for some exceptions, e.g., students with special needs in remote locations without school buses. * State laws do not apply to private schools.
Illinois	No	Yes	
Indiana	No *	Yes **	* Special education students may be transported in vans. ** After June 30, 2006, vans will be prohibited. State laws do not apply to private schools.
Iowa	No	No	
Kansas	No	No	
Kentucky	No	No	
Louisiana	No *	No *	* State laws do not apply to private schools.
Maine	No	No *	* Private schools are exempt from this state regulation.
Maryland	No	No	State law not clear on private schools.
Massachusetts	Yes	Yes	
Michigan	No	No	
Minnesota	No	No	
Mississippi	Yes *	Yes *	* State law does not prohibit the use of vans, but Department of Education will not approve van purchases.

Missouri	No *	No *	* State laws do not apply to private schools.
Montana	No *	No *	* State laws do not apply to private schools.
Nebraska	Yes	Yes	
Nevada	No	Yes	
New Hampshire	No	No	
New Jersey	No	No	
New Mexico	No	No	
New York	No	No	
North Carolina	No *	Yes	* Private schools not covered by state rules.
North Dakota	Yes *	Yes *	* Not allowed after June 1, 2008. Vans can no longer be purchased for these purposes after March 1, 2003. State laws do not apply to private schools.
Ohio	No	No	
Oklahoma	No	No	
Oregon	No	No	
Pennsylvania	No *	No *	* Unless the van was registered as a bus in Pennsylvania prior to March 1, 1993, or titled to a public, private, or parochial school prior to March 1, 1993, and was registered as a bus to such school prior to September 15, 1993.
Rhode Island	No *	No**	* Child care organizations are exempt, and can use vans for transportation to and from school. ** Vans purchased prior to January 1, 2000, can be used until January 1, 2008.
South Carolina	No *	No *	* Vans purchased prior to July 1, 2000, can be used until June 30, 2006.
South Dakota	No	No	
Tennessee	No	Yes	
Texas	No *	Yes	* Private schools not covered by state rules.
Utah	No	No	
Vermont	Yes	Yes	
Virginia	No *	No *	* State laws only apply to public schools.
Washington	No *	No *	* State rules only apply to public schools.
West Virginia	No	Yes	
Wisconsin	Yes	Yes	
Wyoming	No *	No *	* State rules only apply to public schools.