



On The Alert!

Date: June 3, 2020
Attention: ASCIP Members
Affected: All School Facilities
Applicability: K-12 & Charter Schools, Community College Districts

Passenger Vans

Any driver of a 15-passenger van must hold a California Commercial Driver's license Class B with a passenger endorsement and comply with all driver requirements, including random controlled substances and alcohol use testing. A 15-passenger van converted to a 12 or 10-passenger van is still considered a 15-passenger van, and the driver requirements apply.

Any vehicle designed to carry more than ten (10) persons to and from school events, or any vehicle transporting two or more students who use wheelchairs, should be equipped with the following:

1. Lamps, reflective devices, and associated equipment,
2. A stop signal arm,
3. Emergency exits and window retention and release,
4. Body joint strength,
5. Passenger seating protection, and
6. Passenger crash protection.



A 10-passenger van carrying students (9 students and a driver) is classified as a passenger vehicle; however, when the vehicle is used for the primary purpose of transporting children, it is considered a "school transportation vehicle" and the driver is required to conform with random testing. An 11 or 12-passenger van (10 or 11 students and a driver) is a school bus under the California Vehicle Code.

When charging a fee to transport students in a vehicle designed for 11 or more passengers, the vehicle may be considered a tour bus. Clarification should be obtained from the local California Highway Patrol (CHP) office as to their interpretation of tour bus operator requirements. Each local CHP office has its own jurisdiction and discretion to interpret regulations. Whenever possible, consider avoiding charging students a separate transportation fee.

Best Practices:

- DMV Pull Notice System – Staff that routinely drive district vehicles should be added to this system for monitoring.
- Defensive Driver training – Staff should be trained regularly on the safe operation of vehicles.
- Vehicle maintenance and condition – It is the joint responsibility of drivers and maintenance staff to maintain the safe operation of all vehicles. Any deficiencies should be reported immediately.

This alert is a summarization. All rules and regulations should be reviewed prior to making vehicle transportation decisions.

References:

- California Vehicle Codes: §545 – School bus definition; §12517 - Qualifications of School bus or School Pupil Activity Bus Driver; §34520.3 - Safety Regulations
- 49 CFR 382 and 392 – Controlled substance and alcohol use and testing, and Driving of commercial motor vehicles
- Title 49 U.S. Codes: §30125 - School buses and school bus equipment; §30112 - Prohibitions on manufacturing, selling, and importing non-complying motor vehicles and equipment; §571 - Federal motor vehicle standards
- Education Code §39800.5: Transportation Services General Provisions
- California Code of Regulations, Title 13, Chapter 6.5: Motor vehicle standards for school buses and multifunction school activity uses
- California Code, Public Contract Code §10326.1: 15-passenger vans
- California Code, Public Utility Codes: §211 – Common carrier; §226 – Passenger stage corporation; §5360 – Charter-party carrier of passengers

Please contact your ASCIP risk services consultant at (562) 404-8029 to discuss further.