



Department of Education  
John L. Winn, Commissioner

**TECHNICAL ASSISTANCE NOTE** No. T-07-03

*School Business Services*  
*School Transportation Management Section*

Contact:  
Terri Egler

**Student Transportation Vehicle Usage Update**

(850) 245-9795  
SC 205-9795

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**DATE:** August 30, 2006

**TO:** School District Transportation Directors  
Charter Schools

**FROM:** Charlie Hood, Director  
School Transportation Management

**SUBJECT:** Student Transportation Vehicle Usage Update

Ensuring access to educational programs requires that students be transported in safe, authorized vehicles. This Technical Assistance Note (TAN) updates TAN T-01-08, and includes references to revised Florida Statutes regarding student transportation vehicle usage. TAN T-01-08 defined the types of vehicles that may be owned or operated for student transportation by school districts and charter schools under the limited circumstances when a school bus is not required. This TAN also informs districts and other pupil transportation providers of important new federal prohibitions on the use of 15-passenger vans.

Section 1006.22, Florida Statutes (F.S.), specifies the types of vehicles that may be used for student transportation. The 2006 Legislature adopted Senate Bill 772, which revised Section 1006.22, F.S., to further define the types of vehicles, including **trucks** and multipurpose passenger vehicles (MPVs), which may be owned or operated for student transportation by school districts and charter schools under the limited circumstances in which a school bus is not required. The pertinent language is as follows:

1006.22 Safety and health of students being transported.--Maximum regard for safety and adequate protection of health are primary requirements that must be observed by district school boards in routing buses, appointing drivers, and providing and operating equipment, in accordance with all requirements of law and rules of the State Board of Education in providing transportation pursuant to s. 1006.21:

(a) District school boards shall use school buses, as defined in s. 1006.25, for all regular transportation. Regular transportation or regular use means transportation of students to and from school or school-related activities that are part of a scheduled series or sequence of events to the same location. "Students" means, for the purposes of this section, students enrolled in the public schools in pre-kindergarten disability programs and in

kindergarten through grade 12. District school boards may regularly use motor vehicles other than school buses only under the following conditions:

1. When the transportation is for physically handicapped or isolated students and the district school board has elected to provide for the transportation of the student through written or oral contracts or agreements.
2. When the transportation is a part of a comprehensive contract for a specialized educational program between a district school board and a service provider who provides instruction, transportation, and other services.
3. When the transportation is provided through a public transit system.
4. When the transportation is for trips to and from school sites or agricultural education sites or for trips to and from agricultural education-related events or competitions, but is not for customary transportation between a student's residence and such sites.

(b) When the transportation of *students is provided, as authorized in this subsection, in a vehicle other than a school bus that is owned, operated, rented, contracted, or leased by a school district or charter school* (emphasis added), the following provisions shall apply:

1. The vehicle must be a passenger car or multipurpose passenger vehicle or truck, as defined in Title 49 C.F.R. part 571, designed to transport fewer than 10 students. Students must be transported in designated seating positions and must use the occupant crash protection system provided by the manufacturer unless the student's physical condition prohibits such use.
2. An authorized vehicle may not be driven by a student on a public right-of-way. An authorized vehicle may be driven by a student on school or private property as part of the student's educational curriculum if no other student is in the vehicle.
3. The driver of an authorized vehicle transporting students must maintain a valid driver's license and must comply with the requirements of the school district's locally adopted safe driver plan, which includes review of driving records for disqualifying violations.
4. The district school board or charter school must adopt a policy that addresses procedures and liability for trips under this paragraph, including a provision that school buses are to be used whenever practical and specifying consequences for violation of the policy.

Please note the basic requirement that school buses meeting Federal Motor Vehicle Safety Standards (FMVSS) and Florida School Bus Specifications are to be used for most regular transportation. In the alternative, school districts and charter schools may only own or operate for student transportation the types of vehicles specified as an allowable exception to the use of a school bus, and may only use them in the specified circumstances.

In addition to passenger cars and multipurpose passenger vehicles (MPVs), **allowable exceptions now include trucks used in agricultural education programs**. For all allowable exceptions to the use of school bus, **including trucks**, these requirements must be followed:

- Students must be transported in designated seating positions and must use all available occupant crash protection systems. Seat belts must be buckled.
- Students may not drive these vehicles on public rights-of-way. Students may drive authorized vehicles on school or private property as part of the curriculum as long as no other student is in the vehicle.
- All drivers of authorized vehicles transporting students must maintain a valid driver's license and adhere to the safe driver policy of the district or charter school.
- District school boards and charter schools using allowed authorized vehicles other than school buses must adopt policies that address procedures for trips, including a provision that school buses are to be used whenever practical and specifying consequences for violations of the policy.

School buses remain the safest form of student transportation and should be used whenever practical or required. Each transportation provider should consider known safety factors and legal requirements in transporting students to and from school functions or events.

Recognizing the higher risk of rollover associated with the short wheelbase "utility vehicle" subcategory of MPVs (as opposed to the larger sport utility vehicles and minivans), federal regulations require that utility vehicles with a wheelbase of 110 inches or less have a rollover warning label affixed to the driver's sun visor (Title 49 CFR, Part 575.105). School districts and charter schools are advised not to use these vehicles to transport students. A sample of the rollover warning label graphic contained in federal regulations is provided in Attachment A.

Attachment B contains a list of short wheelbase utility vehicles that appear to require a rollover warning label and are, therefore, not recommended. Attachment C provides an outline

of the acceptable vehicle types under Section 1006.22, F.S., and the other (non-SUV) prohibited vehicle types.

Attachment D lists the federal definitions for the various vehicle types (Title 49 CFR, Part 571.3). This attachment does not specify vehicle makes and models, but does provide detailed information on how to positively determine the vehicle type and the wheelbase. **Before important purchase or usage decisions are made, it is critical to know the official vehicle type, i.e., the federal definition applied to the vehicle**, as certified by the manufacturer.

For the primary benefit of non-school district transportation providers, we have attached a recent letter from the National Highway Traffic Safety Administration (NHTSA), conveying provisions from the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU), Pub. Law 109-59, signed into law on August 10, 2005, by President Bush (Attachment E).

A section of the Standards and Compliance chapter of the Motor Vehicle Safety Act previously prohibited the dealers from selling or leasing a non-school bus vehicle for student transportation. SAFETEA-LU (Section 10309) amended this section of the Safety Act to **also prohibit schools or school systems from purchasing or leasing** a new 15-passenger van “if it will be used significantly by or on behalf of, the school or school system to transport preprimary, primary, or secondary school students to or from school or an event related to school, unless the 15-passenger van complies with the motor vehicle standards prescribed for school buses and multifunction school activity buses.” In other words, the federal prohibitions on full-size vans that previously applied only to sellers of vans now apply to purchasers of vans when the vehicle will be “significantly used” to transport students to or from school or related events.

“Significant use” can be as little as one day a week according to Attachment F, a letter written in 1998 by Frank Searles, Jr., and John Womack, NHTSA officials (retyped by the Department of Education to make the document ADA-compliant). It would be reasonable to assume that this same interpretation regarding the applicability to public and private schools regarding the extent of use will be applied to the new SAFETEA-LU prohibitions on purchase and use.

Full-size vans and any other vehicle designed to transport more than ten persons that is a bus, but not a school bus meeting Federal Motor Vehicle Safety Standards and Florida Specifications for School Buses, remain prohibited for transportation of public school students by school districts and charter schools. Although some private schools and day care centers use full-size vans for student transportation, they are no longer allowed to purchase them for this purpose under the SAFETEA-LU requirements outlined above and in Attachment E.

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Please note that there may be a few cases in which full-size vans, originally designed to seat more than ten persons and, therefore, originally certified as a Bus (not School Bus), have been modified by conversion companies to seat ten persons or fewer. Without full federal recertification and re-labeling by the final manufacturer, these vehicles do not become MPVs or acceptable for use as a result of the reduced passenger seating. Most of the conversion vans start out as MPVs (designed to seat ten or fewer persons) from Chevrolet, GMC, Ford, and Dodge, and the vehicle type and resulting standards applicability do not change when they are modified by the conversion company. These "conversion van" MPVs are acceptable, under Section 1006.22, F.S., for student transportation under the same circumstances as other qualifying MPVs.

Another point of confusion we have observed is that the vehicle definition used on the Florida vehicle registration does not always match the official federal definition. **The vehicle type for the purpose of public school transportation usage is always the type listed on the official federal certification label located on the vehicle.** See Attachment D for more detailed information.

We frequently receive questions from parents and schools that want to know what types of privately-owned vehicles may be used by parents or other volunteers for single-event trips. Please refer to Section 1006.22, F.S., paragraphs (2) through (5), for the related requirements. Section 1006.22(4), F.S., specifically authorizes school districts to adopt policies related to the use of privately owned vehicles that are more restrictive than the statute itself, and we support the school districts' authority in this matter. Several school districts have such policies in order to reduce their risk and ensure consistency with the kinds of publicly owned and operated vehicles that the school district and charter schools may use. However, it should be emphasized that there is no state statutory requirement restricting the type of vehicle that parents may use for these trips.

The new language in Section 1006.22(1)(d), F.S., may help school districts that wish to revise their policies to be less restrictive for parents and volunteers, since more models of vehicles, primarily trucks, are now included in policies that the school district or charter school itself may use. The decision about whether to adopt a policy limiting private motor vehicle usage and the policy's content remain at the discretion of local school districts. Regardless of whether a formal policy is adopted, under Section 1006.22(2), F.S., school districts "may authorize the transportation of students in privately owned motor vehicles on a case-by-case basis..." subject to the additional requirements of Section 1006.22(2) through (5), F.S.

**Please convey this information to district and charter schools, your risk management director, your safety officer, and other appropriate individuals in your district to ensure statutory compliance and safety for students.** Please call me or any of our

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staff members at (850) 245-9795 if have questions and comments or need further clarification of these vehicle usage issues.

CFH/tje

Attachments:

- Attachment A - Rollover warning label graphic
- Attachment B - Short wheelbase utility vehicles that require a rollover warning label
- Attachment C - Outline of acceptable vehicle types
- Attachment D - Federal definitions for vehicle types (Title 49 CFR, Part 571.3)
- Attachment E - NHTSA letter conveying provisions from SAFETEA-LU
- Attachment F – NHTSA letter defining “significant use” (reproduction)

cc: School District Superintendents  
School District Service Managers  
Workforce Education Contacts

ATTACHMENT A

National Highway Traffic Safety Administration

§575.105

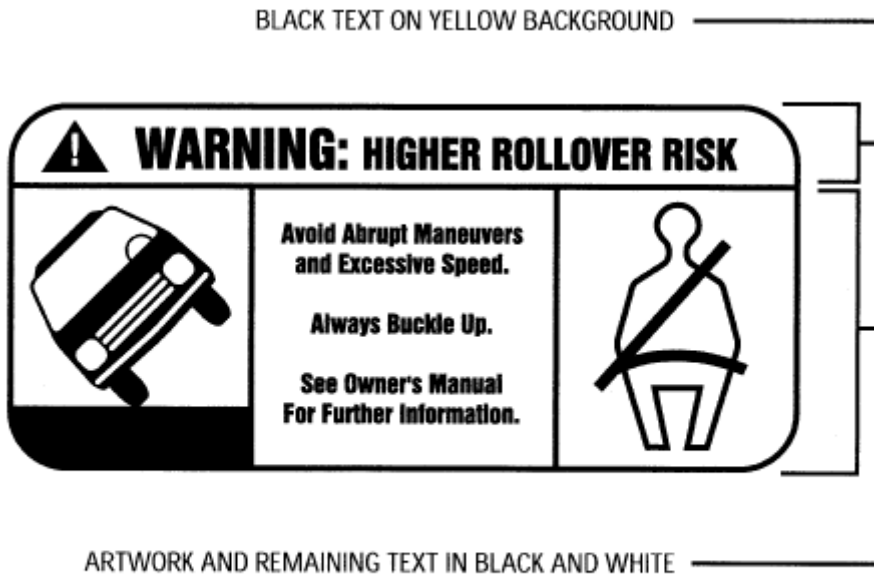


FIGURE 1

## ATTACHMENT B

### *Sport Utility Vehicles Required to Contain a Rollover Warning Label (wheelbase less than 110")*

*Sources: NCAP 2005 Sport Utility Vehicles and Yahoo! Autos, January 2006, 2005 model vehicles.*

|                       |                      |
|-----------------------|----------------------|
| Acura MDX             | Lexus GX             |
| Chevrolet HHR         | Lexus RX             |
| Chevrolet Blazer      | Mazda Tribute        |
| Chrysler PT Cruiser   | Mercury Mariner      |
| Ford Escape           | Mitsubishi Endeavor  |
| Honda CRV             | Mitsubishi Montero   |
| Honda Element         | Mitsubishi Outlander |
| Honda Pilot           | Nissan Xterra        |
| Hyundai Santa Fe      | Pontiac Aztek        |
| Hyundai Tucson        | Saturn VUE           |
| Jeep Commander        | Scion xB             |
| Jeep Grand Cherokee   | Subaru Tribeca       |
| Jeep Liberty          | Subaru Forester      |
| Jeep Wrangler         | Subaru Outback       |
| Kia Sorrento          | Suzuki Grand Vitara  |
| Kia Sportage          | Toyota 4Runner       |
| Land Rover Freelander | Toyota Highlander    |
|                       | Toyota RAV4          |

**Note:** This list is intended as a guide to identify Multipurpose Passenger Vehicles (MPVs) that are not recommended to be owned or operated by school districts or charter schools for student transportation (Section 1006.22, F.S.). The list has not been verified as accurate or all-inclusive and may not apply to other year models of these or other vehicles.

### ***Identifying the Vehicle Type*** (and wheelbase, if an MPV sport utility vehicle)

The only positive method for determining whether a particular vehicle falls within the allowable statutory exceptions to the use of a School Bus is to confirm the vehicle type (\*Title 49 CFR, Part 567.4 and Part 571.3) listed on the manufacturer's data plate or label, usually located on the driver's door or door jamb. For the sport utility vehicle subcategory of the MPV vehicle type, it is also recommended to confirm the vehicle wheelbase. Any sport utility vehicle MPV with a rollover warning label is not recommended to be owned or operated by a school district or charter school for student transportation. The vehicle type and wheelbase can be confirmed either by physical observation of the vehicle's federal certification label and rollover warning label (if applicable), or by requiring that the manufacturer or dealer verify these items.



## ATTACHMENT C

### *Acceptable Vehicle Types*

(subject to requirements of 1006.22, F.S.)

**Acceptable vehicles** meeting Section 1006.22 criteria are only those that are classified by the manufacturer under the following federal definitions:

- 1) **School Bus-** Meeting all Federal Motor Vehicle Safety Standards and Florida Specifications applicable to School Buses.
- 2) **Passenger Car-** Any wheelbase; includes, in part, sedans, coupes, hatchbacks, wagons.
- 3) **Multipurpose Passenger Vehicle (MPV)- Includes** minivans and larger sport utility vehicles. MPV's commonly known as Sport Utility Vehicles (SUVs) that have a wheelbase of 110 inches or less, are required, federally, to contain a rollover warning label under Title 49 CFR, Part 575.105,\* affixed to either side of the driver's sun visor, and are not recommended to be owned or operated by school districts or charter schools for student transportation under Section 1006.22, FS.
- 4) **Truck-** Light trucks, such as small or large pickups; medium-duty trucks; heavy trucks.

### *Prohibited Vehicle Types*

Prohibited vehicles (as defined in Title 49 CFR, Part 571.3\*) that may not be owned or operated by school districts or charter schools for student transportation include:

- 1) **Bus- any non-school bus vehicle** designed to transport more than ten persons; **examples include full-size vans**, shuttle buses, and other types of buses that are not School Buses meeting all Federal Motor Vehicle Safety Standards and Florida Specifications for School Buses.
- 2) **Motorcycle**
- 3) **Trailer**

\*Title 49 CFR references are available at <http://www.access.gpo.gov/nara/cfr/index.html>.

## ATTACHMENT D

### TITLE 49--TRANSPORTATION

#### CHAPTER V--NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

##### PART 571--FEDERAL MOTOR VEHICLE SAFETY STANDARDS--Table of Contents

###### Subpart A--General

###### Sec. 571.3 Definitions.

Bus means a motor vehicle with motive power, except a trailer, designed for carrying more than 10 persons.

Motorcycle means a motor vehicle with motive power having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground.

Multipurpose passenger vehicle means a motor vehicle with motive power, except a low-speed vehicle or trailer, designed to carry 10 persons or less which is constructed either on a truck chassis or with special features for occasional off-road operation.

Passenger car means a motor vehicle with motive power, except a low-speed vehicle, multipurpose passenger vehicle, motorcycle, or trailer, designed for carrying 10 persons or less.

School bus means a bus that is sold, or introduced in interstate commerce, for purposes that include carrying students to and from school or related events, but does not include a bus designed and sold for operation as a common carrier in urban transportation.

Trailer means a motor vehicle with or without motive power, designed for carrying persons or property and for being drawn by another motor vehicle.

Truck means a motor vehicle with motive power, except a trailer, designed primarily for the transportation of property or special purpose equipment.

## ATTACHMENT E

(Retyped 8/29/06 to be made ADA compliant. Original content and format were retained.)

Charlie Gauthier  
Executive Director  
National Association of State Directors of Pupil  
Transportation Services  
6928 Rock Hill Road  
The Plains, Virginia 20198-1916

Dear Mr. Gauthier:

On August 10, 2005, President Bush signed into law the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU), Pub. Law 109-59. I am writing to convey to you some important information concerning provisions in the Act related to the purchase and use of 15-passenger vans.

The National Traffic and Motor Vehicle Safety Act, as amended, has long prohibited motor vehicle dealers and others from selling or leasing school buses that do not comply with all applicable federal motor vehicle safety standards. Under NHTSA's regulations, a bus is defined as a motor vehicle "designed for carrying more than 10 persons," including 15-passenger vans. A school bus is defined as "a bus that is sold, or introduced into interstate commerce, for purposes that include carrying students to and from school or related events, but does not include a bus designed and sold for operation as a common carrier in urban transportation." The vehicle type is stated on the certification label that is typically affixed to the driver's door or door jam.

A section of the Standards and Compliance chapter of the Motor Vehicle Safety Act prohibits the sale or lease of a non-complying school bus and persons violating this prohibition are subject to substantial civil penalties. SAFETEA-LU (Section 10309) amends this section of the Safety Act to prohibit schools or school systems from purchasing or leasing a new 15-passenger van "if it will be used significantly by or on behalf of, the school or school system to transport preprimary, primary, or secondary school students to or from school or an event related to school, unless the 15-passenger van complies with the motor vehicle standards prescribed for school buses and multifunction school activity buses..." NHTSA's definition of multifunction school activity bus, an additional vehicle type (see paragraph above), states that the term "means a school bus whose purposes do not include transporting students to and from home or school bus stops." The term 15-passenger van is defined in Section 10309 as "a vehicle that seats 10 to 14 passengers, not including the driver." This provision does not apply to purchases or leases under contracts executed prior to August 10, 2005.

You also should be aware that Section 10309 of SAFETEA-LU amends the Safety Act's civil penalty provisions for violations by dealers and others related to school buses and adds civil penalties for violations of the new prohibition on 15-passenger vans. Under the new law, a single violation carries a civil penalty of up to \$10,000, and the maximum civil penalty for a related series of violations is \$15,000,000.

You can find the full text of these provisions under House Bills, H.R. 3 [PL 109-59, Title X, Section 10309 (pp. 800-801)] at <http://thomas.loc.gov/bss/d109/d109laws.html>. If you have any questions concerning these provisions, please contact James Jones, Office of Vehicle Safety Compliance (NVS-224), National Highway Traffic Safety Administration, 400 7<sup>th</sup> Street SW, Washington, DC. Phone: (202) 366-5294 and FAX: (202) 366-3081.

Sincerely yours,

Ronald L. Medford  
Senior Associate Administrator  
for Vehicle Safety

**Safe, Accountable, Flexible, and Efficient Transportation Equity Act – A  
Legacy for Users (SAFETEA-LU)  
Public Law 109-59**

**Signed into law by the President of the United States on August 10, 2005**

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**SEC. 7259. 15-PASSENGER VAN SAFETY.**

*(a) Testing-*

*(1) IN GENERAL – The Secretary of Transportation shall require the testing of 15-passenger vans as part of the rollover resistance program of the National Highway Traffic Safety Administration’s new car assessment program.*

*(2) 15-passenger van defined- In this subsection, the term ‘15-passenger van’ means a vehicle that seats 10 to 14 passengers, not including the driver.*

*(b) Prohibition of Purchase, Rental, or Lease of Noncomplying 15-passenger Vans for School Use-Section 30112(a) is amended—*

*(1) by inserting ‘(1)’ before ‘Except as provided’; and*

*(2) by adding at the end the following:*

*‘(2) Except as provided in this section, sections 30113 and 30114 of this title, and subchapter III of this chapter; a school or school system may not purchase or lease a new 15-passenger van if it will be used significantly by, or on behalf of, the school or school system to transport preprimary, primary, or secondary school students to or from school or an event related to school, unless the 15-passenger van complies with the motor vehicle standards prescribed for school buses and multifunction school activity buses under this title. This paragraph does not apply to the purchase or lease of a 15-passenger van under a contract executed before the date of enactment of the Surface Transportation Safety Improvement Act of 2005.’*

*(c) PENALTY- Section 30165(a) is amended—*

*(1) by redesignating paragraph (2) as paragraph (3); and*

*(2) by inserting after paragraph (1) the following:*

*‘(2) School buses-*

*‘(A) IN GENERAL- Notwithstanding paragraph (1), the maximum amount of a civil penalty under this paragraph shall be \$10,000 in the case of—*

*‘(i) the manufacture, sale, offer for sale, introduction or delivery for introduction into interstate commerce, or importation of a school bus or school bus equipment (as those terms are defined in section 30125(a) of this title) in violation of section 30112(a)(1) of this title; or*

*‘(ii) a violation of section 30112(a)(2) of this title.*

*‘(B) RELATED SERIES OF VIOLATIONS- A separate violation occurs for each motor vehicle or item of motor vehicle equipment and for each failure or refusal to allow or perform an act required by that section. The maximum penalty under this paragraph for a related series of violations is \$15,000,000.’*

## ATTACHMENT F

(Retyped 1/4/06 to be made ADA compliant. Original content and format were retained.)

AUG 3 1998

Terry L. Voy, Consultant  
School Transportation  
Iowa Department of Education  
Grimes State Office Building  
Des Moines, Iowa 50319

Dear Mr. Voy:

This responds to your request for an interpretation regarding the use of 12 to 15-passenger vans by child day care providers to drop off and pick up school children from school. You asked three questions, which are addressed below:

**Question 1. Do the federal motor vehicle safety regulations relating to the sale and lease of school buses apply to vehicles [new buses] sold or leased to publicly or privately owned day care facilities who use these vehicles to transport school-aged children to and from school as a part of their day care services?**

As explained below, the answer depends on whether the new buses will be “significantly” used to transport school children “to or from” school or related events. If the bus will be used for such purpose, a school bus must be sold, regardless of whether such transportation is provided by a school or a day care facility.

The National Highway Traffic Safety Administration (NHTSA) has the authority to regulate the first sale or lease of a new vehicle by a dealer. Our statute at 49 U.S.C. §30112 requires any person selling or leasing a new vehicle to sell or lease a vehicle that meets all applicable standards. Under our regulations, a “bus” is any vehicle, including a van, that has a seating capacity of 11 persons or more. Our statute defines a “school bus” as any bus which is likely to be “used significantly” to transport “preprimary, primary and secondary” students to or from school or related events (emphasis added). 49 U.S.C. §30125. A 12 to 15-passenger van that is likely to be used significantly to transport students is a “school bus.”

If the new bus is sold or leased to transport students (e.g., leased on a regular or long-term basis), it is a “school bus” and must meet NHTSA’s school bus standards. Conventional 12 to 15-passenger vans are not certified as doing so, and thus cannot be sold or leased, as new vehicles, to carry students on a regular basis.

Whether the buses are “used significantly” to transport the students is an issue that the agency finds appropriate to resolve case-by-case, focusing on the intended use of the vehicle. In a June 1, 1998, letter to Cox Chevrolet, we addressed the situation where students were being picked up from school “five days a week.” In that letter, we stated: “In our view, such regular use of the vehicle to pick up students ‘from school’ (even if the same students are not transported each day), would constitute a ‘significant’ use of the vehicle.” We also informed the dealer that when it leases new buses to the dance studio for use in transporting students “from school,” it must lease buses that meet the Federal school bus standards.<sup>1</sup> We also believe that regular use on alternate days would be “significant.”

The requirements for the use of a motor vehicle are determined by State law, so requirements of each State should be consulted to determine how students must be transported to and from school or school-related activities. In addition, NHTSA believes that school buses are one of the safest forms of transportation in this country, and therefore strongly recommends that all buses that are used to transport school children be certified as meeting NHTSA’s school bus safety standards. Further, using 12 to 15-passenger vans that do not meet the school bus standards to transport students could result in increased liability in the event of a crash.

**Question 2. If your response to question #1 above is in the affirmative, does the use of a vehicle owned or leased and operated by a day care provided for to and from transportation constitute “significant use” as the phrase is used in the statutory definition of a school bus?**

I believe we answered this in response to Question 1. We may consider use of the bus for pupil transportation “significant” under our school bus regulations, even if the provider is a day care facility.

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<sup>1</sup> As you may be aware, in interpretation letters of May 29, 1991 and September 6, 1991 to Ms. Vel McCaslin, Director of Grace After School, an after school care program, NHTSA stated that buses used to transport children to Ms. McCaslin’s program would be “school buses” only if the program is a “school or school-related event.” The September 1991 letter indicated that the program picks up children from three area schools and brings them to the church on a “daily” basis. These letters concluded that Grace After School did not appear to be a “school,” that the program was not a “school-related event” and that NHTSA’s school bus requirements thus did not apply. NHTSA has recently reexamined the two letters to Ms. McCaslin. Upon reconsideration, we have decided that the letters did not focus enough on the fact that the buses were being used to transport students “from school,” as specified in 49 U.S.C. §30125. Therefore, to the extent that the May 29, 1991 and September 6, 1991 letters to Ms. McCaslin are inconsistent with this letter, they are hereby superceded.

**Question 3. If questions #1 and #2 above are answered in the affirmative, do the same federal sanctions apply to dealers who sell or lease vehicles of [more than 10] capacity to day care providers for to and from school transportation purposes?**

The answer is yes, a dealer that sells or leases a noncomplying vehicle to a day care facility in violation of 49 U.S.C. Section 30112, would be subject to the same penalties that a dealer would face when selling noncomplying vehicles to a school. NHTSA's regulations at 49 CFR §576.6, Civil penalties for violations of specified provisions of Title 49 of the United States Code, subsection (a) states:

*(a) Motor Vehicle Safety.* A person that violates any of sections 30112 ... is liable to the United States Government for a civil penalty of not more than \$1,100 for each violation. A separate violation occurs for each motor vehicle or item of motor vehicle equipment and for each failure or refusal to allow or perform an act required by any of those sections. The maximum civil penalty under this paragraph for a related series of violations is \$880,000.

I hope this information is helpful. If you have any further questions, please feel free to contact Dorothy Nakama at this address or by telephone at (202) 366.2992.

Sincerely,

John Womack

Frank Searles, Jr.  
Chief Counsel