

# School Vehicle Use

The transportation and safety of the more than 2 million Illinois school age children is of primary importance. This document has been prepared to guide local education agencies in understanding the types of vehicles that are allowed to transport school age students, proper driver licensure as well as the claimable cost for purposes of the Annual Pupil Transportation Reimbursement Claim.

## **TRANSPORTATION ROUTES - TYPES**

The proper and claimable use of a vehicle used to transport school age students stems from the different types of transportation provided by a local education agency (LEA). Specifically, a clear understanding of the different types of transportation routes is critical prior to determining the type of vehicle to be used.

Regular Route (reimbursable trips) - A route that occurs *on a regularly scheduled basis* for the purposes of transporting students between school and home or between attendance centers when attendance is required at a location other than the assigned attendance center to enable students to receive educational services of the school district required as part of the student's five daily clock hours of school work.

The most common regular routes are those between home and school. However, there are other types of routes that are considered regular such as tripper or shuttle service between school attendance centers, those to a vocational/career center, other trade-skill-development sites, a regional safe school or other school sponsored alternative learning program.

Curriculum-related Field Trip (reimbursable trips) – A trip that is directly related to the regular curriculum of a student for which he or she earns credit for graduation and occurs during their required five clock hours of instruction. The location of the field trip is considered to be an alternative attendance center.

[23 Ill. Adm. Code Section 120.30(d)]

Extra-curricular/Co-curricular Activity Trip (reimbursable trips) – Trips driven to transport students following voluntary extracurricular and/or co-curricular activities, including sports practices, club meetings, drama rehearsals, or choral and band practices immediately preceding or following the school day.

[23 Ill. Adm. Code Section 120.30(a)(5)]

School-sponsored Activity Trip (non-reimbursable trips) – A trip that is a school sponsored activity such as interscholastic, interscholastic athletic or any other school sponsored non-curriculum related activity trip that does not require student participation as part of the educational services of the district, as part of the students' regular class for credit schedule and the required five clock hours of instruction. [105 ILCS 5/29-6.3]

## **VEHICLE TYPES [Illinois Vehicle Code - 625 ILCS 5/1-217]**

### **FIRST DIVISION VEHICLES**

First Division vehicles are defined in the Illinois Vehicle Code as motor vehicles designed to carry no more than 10 persons total.

First Division vehicles can be used to transport 10 or fewer passengers, including the driver, on regular routes for any and all school-sponsored activities. Examples of First Division vehicles include cars, station wagons, mini-vans, taxi cabs, medic-vans, and suburbans.

#### Licensure

Parents or legal guardians transporting only their own child for a school district in a First Division vehicle must have a current and properly classified driver's license, but do not need a school bus driver's permit.

Drivers other than parents or legal guardians transporting students in First Division vehicles over a regular route for the transportation of persons enrolled as a student in grade 12 or below for a school district must possess a valid School Bus Driver Permit. [625 ILCS 5/6-104(d)(2)]

#### Claimable Use

The Illinois State Board of Education (ISBE) does not encourage LEAs to use First Division vehicles for pupil transportation. Rather, they should be the exception and a last resort alternative when a school bus is not an option, not as a first line of transportation. Regular route mileage and depreciation are claimable for First Division vehicles on the Annual Pupil Transportation Reimbursement Claim.

It is recommended that LEAs using First Division vehicles rather than school buses to transport students on a regular route should have all the vehicles safety checked at least twice a year at an official testing station regulated by the Department of Transportation and insure that:

- the vehicles are properly insured for transporting pupils;
- the drivers of such vehicles, used to transport pupils to and from school and between attendance centers, have the required license and school bus driver permit for the vehicle operated; and
- the district/contractor maintains a listing of the drivers' names and copies of the drivers' licenses showing they have the proper school bus driver endorsement and all other information as required.

## **SECOND DIVISION VEHICLES**

Second Division vehicles are defined in the Illinois Vehicle Code as motor vehicles designed for carrying more than ten persons, those designed or used for living quarters and those vehicles which are designed for pulling or carrying property, freight or cargo, First Division vehicles remodelled for use and used as Second Division motor vehicles, and those First Division motor vehicles used and registered as school buses.

[625 ILCS 5/1-217]

The most common Second Division vehicle used for school related purposes and the safest form of ground transportation for school age children is the glossy yellow school bus. Only school buses can be painted national school bus yellow. No commuter van or bus other than a school bus (e.g. white activity, church, etc.) shall be painted national school bus yellow or a color that closely resembles national school bus glossy yellow. A bus owned and operated by a religious organization that is used in connection with a school, must be national school bus yellow. If the bus is used for a religious organization only, then the color cannot be national school bus yellow.

### **School Bus [Illinois Vehicle Code 625 ILCS 5/1-182]**

(a) "School bus" means every motor vehicle, except as provided in paragraph (b) of this Section, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of such entity:

- Any public or private primary or secondary school;
- Any primary or secondary school operated by a religious institution; or
- Any public, private or religious nursery school.

(b) This definition shall not include the following:

1. A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when such bus is not traveling a specific school bus route but is: On a regularly scheduled route for the transportation of other fare paying passengers; Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or Being used for shuttle service between attendance centers or other educational facilities
2. A motor vehicle of the First Division.
3. A motor vehicle designed for the transportation of not less than 7 nor more than 16 persons that is operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for the purpose of transporting not more than 15 students to and from interscholastic athletic or other interscholastic or school sponsored activities.

### Licensure

Any driver of a school bus transporting pre-primary, primary or secondary school students must have a properly classified Commercial Driver's License (CDL) with a "P" passenger and "S" school bus endorsement [625 ILCS 5/6-104(d); 5/6-508(c-2)].

### School Bus CDL – J48 Restriction

Individuals who wish to operate only school buses may apply for a School Bus CDL. This license restricts the holder to operating only a school bus when it is used as a school bus. The operator may not use this license to operate a school bus when it is used as a chartered vehicle or drive any other commercial motor vehicle. In addition to the license, the individual is required to have a "P" passenger endorsement and "S" school bus endorsement.

### Claimable Use

Second Division vehicles cannot be used to transport students for any official school activity (i.e. regular route, curricular or co-curricular trips) unless they meet all the design standards for school buses. [625 ILCS 5/11-1414.1(a); 12-801 et seq.]

## **VANS DESIGNED FOR 7 TO 16 PERSONS**

### **Transportation to and from specified interscholastic or school sponsored activities [Illinois School Code 105 ILCS 5/29-6.3.]**

Any school district may transport not more than 15 students to and from an interscholastic athletic or other interscholastic or school sponsored activity in a motor vehicle designed for the transportation of not less than 7 nor more than 16 persons, commonly referred to as a van, provided that the van is operated by or for the district and provided further that any school district furnishing transportation for students under the authority of this Section shall insure against any loss or liability of the district resulting from the maintenance, operation, or use of the vehicle.

### Claimable Use

A van designed to carry more than 10 persons, cannot be used for any official school activity (i.e. regular route, curricular or co-curricular trips). They may only be used for interscholastic athletic or other interscholastic or school-sponsored activities that do not require student participation as part of the students' regular credit schedule and the required five clock hours of instruction. Mileage and depreciation are not allowable on the Annual Pupil Transportation Reimbursement Claim.

### Licensure - [Second Division Vehicles-15 Persons or Less Including Driver]

School personnel driving for a district for the purpose of transporting students to interscholastic athletic or other interscholastic or school-sponsored activities must have a current and properly classified driver's license. The driver does not need to possess a school bus permit.

Licensure - [Second Division Vehicles-16 Persons or More Including Driver]  
**School transportation in a vehicle manufactured for 16 persons or more must be done using a school bus.** The driver must have a properly classified Commercial Driver's License (CDL) with a "P" passenger and "S" school bus endorsement [625 ILCS 5/6-104(d); 5/6-508(c-2)].

#### ADDITIONAL FACTS

- It is illegal for a dealer or leaser to sell or lease a new bus for school use if the bus does not meet the school bus safety standards;
- A dealer or leaser is prohibited from selling or leasing a new bus (defined as any vehicle, including a van, that has a capacity of 11 persons or more including the driver) that is likely to be used significantly to transport students to and from school and school-related events if the bus does not meet all of NHTSA's school bus safety standards, even if it has been certified by its manufacturer as meeting the less stringent standards applicable to other types of vehicles;
- A school's purchase or use of 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; and
- School districts could be held liable in a lawsuit for knowingly using a vehicle that did not conform to the federal motor vehicle safety standards for Second Division vehicles used by or for a district when used to transport students to and from school and school-related events.

While school districts may see a cost savings in purchasing and using non-conforming vans for school-related activities, National Highway Traffic Safety Administration (NHTSA), National Association for Pupil Transportation (NAPT) and the National Association of State Directors of Pupil Transportation Services (NASDPTS) believe that, while comparably-sized school buses may be more expensive than conventional buses, the increased level of safety justifies a higher cost.

## MULTIFUNCTION SCHOOL ACTIVITY BUS

In July 2003, the National Highway Traffic and Safety Administration (NHTSA) defined a new vehicle subcategory, the "multifunction school activity bus" (MFSAB) which was defined as a vehicle that is sold for purposes that do not include transportation between home and school for students from kindergarten through Grade 12 (emphasis added). NHTSA promoted this vehicle to serve as a safe choice for institutions, including school districts that have a need to transport groups of people. A particular safety benefit was that the MFSAB was a safer alternative to transporting 12 to 15 passengers instead of the 15 passenger vans that had been used in the past.

### Claimable Use

Since NHTSA issued their final rule on the MFSAB, ISBE has advocated and recommended the purchase and use of the MFSAB as a safer alternative for school sponsored activities such as interscholastic, interscholastic athletic or any other school sponsored non-curriculum related activity trips that are described in Section 29-6.3. These activity trips have always been non-reimbursable; therefore, all mileage and costs including depreciation for a 15 passenger van or a MFSAB must be reported as non-reimbursable.

The aforementioned sections of the Vehicle Code along with the definition of a regular route make it clear that all students enrolled in grade 12 or below who are transported for any official school activity (i.e. regular route, curricular or co-curricular trips) in a Second Division vehicle must be transported in a School Bus. A MFSAB cannot be used because it is a Second Division vehicle and is not intended for loading or unloading students on public roadways nor does it possess the signage, crossing arm, or lights as a yellow school bus.

### Licensure

If a MFSAB or van is designed by the manufacturer to transport 15 passengers or less and is being used for activities described in Section 29-6.3 (i.e. interscholastic athletic or other interscholastic or school sponsored activity), the driver need only possess a valid driver's license.

## **ALL VEHICLES**

### Insurance

All vehicles mentioned should have proof of adequate insurance on file in the school district. [625 ILCS 5/12-707.01]

### Required Inspections

Every owner of a Second Division vehicle, medical transport vehicle, tow truck, or contract carrier transporting employees in the course of their employment on a highway of this State in a vehicle designed to carry 15 or fewer passengers shall, before operating the vehicle upon the highways of Illinois, submit it to a "safety test" and secure a certificate of safety furnished by IDOT [625 ILCS 5/13-109]

Tests shall be conducted at an official IDOT testing station within 6 months prior to the application for registration. Subsequently each vehicle shall be subject to tests at least every 6 months, and in the case of school buses at least every 6 months or 10,000 miles whichever occurs first, and according to schedules established by rules and regulations promulgated by IDOT. Any component subject to regular inspection which is damaged in a reportable accident must be reinspected before the bus is returned to service [625 ILCS 5/13-109(a)]

The Department shall also conduct periodic nonscheduled inspections of school buses, of buses registered as charitable vehicles and of religious organization buses. If such inspection reveals that a vehicle is not in substantial compliance with the rules promulgated by the Department, the Department shall remove the Certificate of Safety from the vehicle, and shall place the vehicle out-of-service. A bright orange, triangular decal shall be placed on an out-of-service vehicle where the Certificate of Safety has been removed. The vehicle must pass a safety test at an official testing station before it is again placed in service. [625 ILCS 5/13-109(b)]

For the location of the nearest IDOT Official Testing Station, contact the IDOT Vehicle Inspection Unit at 217-782-1181.

## **LINKS TO STATE AND NATIONAL ORGANIZATIONS:**

National Highway Traffic Safety Administration <http://www.nhtsa.dot.gov/>

National Transportation Safety Board <http://www.nts.gov/>

National Association for Pupil Transportation <http://www.napt.org/>

Ill Secretary of State <http://www.sos.state.il.us/>

Ill State Board of Education – Transportation

<http://www.isbe.net/funding/html/transportation.htm>

School Bus Information Council <http://www.schoolbusinfo.org/>

School Bus Transportation News <http://www.stnonline.com/stn/>

## Illinois Vehicle and School Code Statutes

### **625 ILCS 5/1-217 Vehicle**

Every device, in, upon or by which any person or property is or may be transported or drawn upon a highway or requiring a certificate of title under Section 3-101(d) of this Code, except devices moved by human power, devices used exclusively upon stationary rails or tracks and snowmobiles as defined in the Snowmobile Registration and Safety Act.

For the purposes of this Code, unless otherwise prescribed, a device shall be considered to be a vehicle until such time it either comes within the definition of a junk vehicle, as defined under this Code, or a junking certificate is issued for it.

For this Code, vehicles are divided into 2 divisions:

First Division: Those motor vehicles which are designed for the carrying of not more than 10 persons.

Second Division: Those vehicles which are designed for carrying more than 10 persons, those designed or used for living quarters and those vehicles which are designed for pulling or carrying property, freight or cargo, those motor vehicles of the First Division remodelled for use and used as motor vehicles of the Second Division, and those motor vehicles of the First Division used and registered as school buses.

### **625 ILCS 5/1-182 School Bus**

(a) "School bus" means every motor vehicle, except as provided in paragraph (b) of this Section, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of such entity:

Any public or private primary or secondary school;

Any primary or secondary school operated by a religious institution; or

Any public, private or religious nursery school.

(b) This definition shall not include the following:

1. A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when such bus is not traveling a specific school bus route but is: On a regularly scheduled route for the transportation of other fare paying passengers; Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or Being used for shuttle service between attendance centers or other educational facilities
2. A motor vehicle of the First Division.

3. A motor vehicle designed for the transportation of not less than 7 nor more than 16 persons that is operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for the purpose of transporting not more than 15 students to and from interscholastic athletic or other interscholastic or school sponsored activities. (Source: P.A. 89-132, eff. 7-14-95.)

**625 ILCS 5/6-104 Classification of Driver - Special Restrictions.**

(a) A driver's license issued under the authority of this Act shall indicate the classification for which the applicant therefor has qualified by examination or by such other means that the Secretary of State shall prescribe. Driver's license classifications shall be prescribed by rule or regulation promulgated by the Secretary of State and such may specify classifications as to operation of motor vehicles of the first division, or of those of the second division, whether operated singly or in lawful combination, and whether for-hire or not-for-hire, and may specify such other classifications as the Secretary deems necessary.

No person shall operate a motor vehicle unless such person has a valid license with a proper classification to permit the operation of such vehicle, except that any person may operate a motorized pedalcycle if such person has a valid current Illinois driver's license, regardless of classification.

(b) No person who is under the age of 21 years or has had less than 1 year of driving experience shall drive: (1) in connection with the operation of any school, day camp, summer camp, or nursery school, any public or private motor vehicle for transporting children to or from any school, day camp, summer camp, or nursery school, or (2) any motor vehicle of the second division when in use for the transportation of persons for compensation.

(c) No person who is under the age of 18 years shall be issued a license for the purpose of transporting property for hire, or for the purpose of transporting persons for compensation in a motor vehicle of the first division.

(d) No person shall drive: (1) a school bus when transporting school children unless such person possesses a valid school bus driver permit or is accompanied and supervised, for the specific purpose of training prior to routine operation of a school bus, by a person who has held a valid school bus driver permit for at least one year; or (2) any other vehicle owned or operated by or for a public or private school, or a school operated by a religious institution, where such vehicle is being used over a regularly scheduled route for the transportation of persons enrolled as a student in grade 12 or below, in connection with any activity of the entities unless such person possesses a valid school bus driver permit.

(d-5) No person may drive a bus that does not meet the special requirements for school buses provided in Sections 12-801, 12-802, 12-803, and 12-805 of this Code that has been chartered for the sole purpose of transporting students regularly enrolled in grade 12 or below to or from interscholastic athletic or interscholastic or school sponsored activities unless the person has a valid and properly classified commercial driver's license as provided in subsection (c-1) of Section 6-508 of this Code in addition to any other permit or license that is required to operate that bus. This subsection (d-5) does not apply to any bus driver employed by a public transportation provider authorized to conduct local or interurban transportation of passengers when the bus is not traveling a specific school bus route but is on a regularly scheduled route for the transporting of other fare paying passengers.

**625 ILCS 5/6-500 Commercial Driver's License Act**

Notwithstanding the definitions set forth elsewhere in this Code, for purposes of the Uniform Commercial Driver's License Act (UCDLA), the words and phrases listed below have the meanings ascribed to them as follows:

(A) "Commercial motor vehicle" or "CMV" means a motor vehicle, except those referred to in subdivision (B), designed to transport passengers or property if:

- (i) the vehicle has a GVWR of 26,001 pounds or more or such a lesser GVWR as subsequently determined by federal regulations or the Secretary of State; or any combination of vehicles with a GCWR of 26,001 pounds or more, provided the GVWR of any vehicle or vehicles being towed is 10,001 pounds or more; or
- (ii) the vehicle is designed to transport 16 or more persons;

**625 ILCS 5/11-1414.1 School transportation of students.**

(a) Every student enrolled in grade 12 or below in any entity listed in paragraph (a) of Section 1-182 of this Code who is transported in a second division motor vehicle owned or operated by or for that entity, in connection with any official activity of such entity, must be transported in a school bus or a bus described in subparagraph (1) of paragraph (b) of Section 1-182.

(b) This Section shall not apply to any second division vehicle being used by such entity in a parade, homecoming or similar school activity, nor to a motor vehicle designed for the transportation of not less than 7 nor more than 16 persons while that vehicle is being operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for the purpose of transporting not more than 15 students to and from interscholastic athletic or other interscholastic or school sponsored activities.

**105 ILCS 5/29-6.3. Transportation to and from specified interscholastic or school sponsored activities**

Any school district may transport not more than 15 students to and from an interscholastic athletic or other interscholastic or school sponsored activity in a motor vehicle designed for the transportation of not less than 7 nor more than 16 persons, commonly referred to as a van, provided that the van is operated by or for the district and provided further that any school district furnishing transportation for students under the authority of this Section shall insure against any loss or liability of the district resulting from the maintenance, operation, or use of the vehicle.