School Transportation Regulation

This information brief outlines Minnesota regulations governing pupil transportation. It provides an overview of the vehicles used in school transport as well as various requirements under state law. These relate to qualifications and examination of drivers, operating certain vehicles without a commercial driver’s license, drug and alcohol testing, driver and student training, vehicle inspections, vehicle equipment standards, passenger restraints, and driving rules specific to pupil transportation. The briefing also summarizes recent legislative changes.

Contents

Executive Summary ......................................................................................... 2
Vehicle Classifications Summary Table .................................................... 3
Driver and Vehicle Regulations Summary Table ......................... 4
Pupil Transportation Context ................................................................. 5
Minnesota Regulations ..................................................................................... 6
Definitions and Classifications .............................................................. 6
Driver Qualifications ......................................................................... 8
Training ...................................................................................................... 9
Vehicle Standards and Safety Equipment ............................................ 11
Loss of Driving Privileges ................................................................. 14
Traffic Regulations .............................................................................. 16
Regulating Noncommercial Drivers ................................................... 18
Appendix: Recent Law Changes .......................................................... 20
Executive Summary

This briefing outlines a number of Minnesota Statutes governing school-related transportation. State laws can be categorized into regulations covering a few different areas:

- **driver qualifications**, such as driver licensing, background checks, and drug testing
- **training** for both drivers and the pupils being transported
- **vehicle and equipment standards** like lighting, passenger restraints, and vehicle inspections
- **loss of driving privileges** due to various incidents
- **traffic regulations** specific to pupil transportation

A number of laws vary depending on the circumstances of the transportation. That is, different regulations can apply depending on (1) the specific type of vehicle used, (2) whether the transport is to and from school or is for school-related activities, and (3) whether the driver is employed specifically in order to transport students.

The following two tables summarize school-related transportation regulations. The first table presents the types of vehicles used in school transportation, which consist primarily of traditional school buses of various size and passenger automobiles. The second table outlines the various regulations that apply for each type of vehicle used in the transport.
## Vehicle Classifications Summary Table

<table>
<thead>
<tr>
<th>Vehicle</th>
<th>Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Smallest of the traditional yellow school buses, built on a cutaway front-section chassis, with a passenger entrance door behind the front wheels and a separate left-side driver’s door. They are divided based on vehicle weight between type A-I buses and type A-II buses.</td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>Moderate-sized bus built on a stripped chassis, with a passenger door located behind the front wheels.</td>
<td></td>
</tr>
<tr>
<td>C</td>
<td>Large, conventional school bus common throughout Minnesota. The engine is located in front of the driver and the entrance door is behind the front wheels. It can be built on a chassis with a hood assembly, or on a cutaway truck chassis or truck chassis with a cab having a gross vehicle weight greater than 21,500 pounds.</td>
<td></td>
</tr>
<tr>
<td>D</td>
<td>Large, transit-style bus with the engine located behind the windshield and an entrance door in front of the front wheels. The engine is often located in the rear.</td>
<td></td>
</tr>
<tr>
<td>III</td>
<td>A passenger automobile (including minivans, SUVs, and station wagons), van, or in some cases a vehicle commonly considered a school bus. It must have (1) capacity for ten or fewer people including the driver, and (2) a maximum weight of 10,000 pounds. See page 6.</td>
<td></td>
</tr>
<tr>
<td>MFSAB</td>
<td>A “multifunction school activity bus” (MFSAB) is a school bus that lacks certain features specific to other school buses. See page 6.</td>
<td></td>
</tr>
</tbody>
</table>

Motor coach | A motor coach is not a school bus and is not specifically defined in state statute. It is recognizable by its entrance door located in front of the front wheels, storage capacity underneath the passenger seating area, separate seats, and generally upgraded interior. |
## Driver and Vehicle Regulations Summary Table

<table>
<thead>
<tr>
<th>Category</th>
<th>Type A, B, C, or D School Bus&lt;sup&gt;i&lt;/sup&gt;</th>
<th>Type A-I School Bus&lt;sup&gt;ii&lt;/sup&gt; or MFSAB</th>
<th>Type III Vehicle</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowable types of pupil transport in the vehicle</td>
<td>To and from school; for activities</td>
<td>For activities only (not to and from school)</td>
<td>To and from school; for activities</td>
</tr>
<tr>
<td>Driver’s employment status</td>
<td>Not specified</td>
<td>Cannot be employed solely for pupil transportation</td>
<td>Employed by school or bus contractor</td>
</tr>
<tr>
<td>Minimum class of driver’s license</td>
<td>Commercial (Class C, B, or A) with school bus and passenger endorsements</td>
<td>Class D with no endorsement</td>
<td>Class D with no endorsement</td>
</tr>
<tr>
<td>Physicial exam</td>
<td>Required</td>
<td>Required</td>
<td>None / Required&lt;sup&gt;iii&lt;/sup&gt;</td>
</tr>
<tr>
<td>License verification</td>
<td>Annual</td>
<td>Annual</td>
<td>Annual</td>
</tr>
<tr>
<td>Background check</td>
<td>Required</td>
<td>Required</td>
<td>Required</td>
</tr>
<tr>
<td>Pre-employment drug testing</td>
<td>Required</td>
<td>None</td>
<td>None / Required&lt;sup&gt;iii&lt;/sup&gt;</td>
</tr>
<tr>
<td>Drug and alcohol testing</td>
<td>Required</td>
<td>If employer requires</td>
<td>None / If employer requires&lt;sup&gt;iii&lt;/sup&gt;</td>
</tr>
<tr>
<td>Driving incident notification to employer</td>
<td>Required On certain offenses</td>
<td>None</td>
<td>Required</td>
</tr>
<tr>
<td>By employee</td>
<td>Required</td>
<td>On certain offenses</td>
<td>On certain offenses</td>
</tr>
<tr>
<td>By courts</td>
<td>Required</td>
<td>On certain offenses</td>
<td>On certain offenses</td>
</tr>
<tr>
<td>Removal of driving privileges</td>
<td>On certain offenses</td>
<td>On certain offenses</td>
<td>On certain offenses</td>
</tr>
<tr>
<td>Training</td>
<td>Annual</td>
<td>Annual</td>
<td>Annual</td>
</tr>
<tr>
<td>Of driver</td>
<td>Required</td>
<td>Required</td>
<td>Required</td>
</tr>
<tr>
<td>Of students</td>
<td>Required</td>
<td>Required</td>
<td>Required</td>
</tr>
<tr>
<td>Ownership status of vehicle</td>
<td>Not specified</td>
<td>Must be owned, leased, or contracted by school</td>
<td>Must be owned, leased, or contracted by school</td>
</tr>
<tr>
<td>Vehicle inspections</td>
<td>Annual</td>
<td>Annual</td>
<td>Annual</td>
</tr>
<tr>
<td>By State Patrol</td>
<td>Required for each trip</td>
<td>Required for each trip</td>
<td>Required for each trip</td>
</tr>
<tr>
<td>Driver pretrip</td>
<td>Required for each trip</td>
<td>Required for each trip</td>
<td>Required for each trip</td>
</tr>
<tr>
<td>Vehicle operation restrictions</td>
<td>Cell phones; various</td>
<td>Cell phones; various</td>
<td>Pupil loading / unloading; cell phones</td>
</tr>
</tbody>
</table>

### Notes

<sup>i</sup> This set of regulations also applies to equivalent multifunction school activity buses (MFSABs).

<sup>ii</sup> This set of regulations also applies to MFSABs that are equivalent to type A-I school buses in size and capacity.

<sup>iii</sup> This requirement only applies to drivers who are employed by a school or contracting authority <i>solely</i> for driving type III vehicles. *Minn. Stat. § 171.02, subd. 2b.*
Pupil Transportation Context

Types of Student Transportation

Student transportation takes place under various circumstances. Despite the variety, school transportation can be divided into two basic types. They are (1) “to and from” transportation, which refers to transporting students to school and back to their homes or a nearby drop-off, and (2) “point-to-point” or “activities” transportation, which refers to transporting pupils to educational activities or programs. To and from transport occurs on a more regular schedule and fixed route, whereas point-to-point transportation is more likely to be occasional.

Transportation is provided by school districts, private school bus contractors, nonpublic schools, private and public preschools, and other childcare providers. Employees of these organizations who drive may do so professionally (working full-time as a driver), have some amount of driving as part of the person’s job role, or perform driving as an incidental or occasional part of the job. Examples include:

- an employee of a private bus company who transports students to and from school daily, under contract with a school district;
- a school district employee who is the primary person providing transportation to special events, which is done as part of his or her regular job duties;
- a teacher or coach taking a few students in a van to an event, whether regularly throughout the school year or on occasion; and
- a daycare provider who transports children from school to the childcare facility (or vice versa).

Jurisdiction and Scope

The state of Minnesota has primary jurisdiction over school bus equipment, safety, operations, inspections, school district auditing, and driver licensing. State statutes on pupil transportation do not typically draw a distinction among public schools, school districts, charter schools, and traditional nonpublic schools. (Unless otherwise noted, the laws apply to all types of schools.)

The Department of Public Safety is designated in statute as having primary responsibility over school transportation safety. Minn. Stat. § 169.435. The 2008 Legislature vested this authority in an Office of Pupil Transportation Safety within the State Patrol. Laws 2008, ch. 350, art. 1, § 36. The state’s role in school transportation oversight preempts policies set by school districts, but the districts can establish additional requirements, procedures, and administrative details.

Driver licensing is handled by Driver and Vehicle Services in the Department of Public Safety, which administers any required knowledge and road tests, and establishes conditions for physical exams and background checks.
There are federal regulations as well, which mainly apply to equipment manufacturers (establishing various vehicle design and engineering standards) and commercial driver’s license qualifications (things like limits on the number of traffic tickets a bus driver can get before a commercial driver’s license is suspended, and drug and alcohol testing for such drivers).

Minnesota Regulations

This section reviews a variety of safety regulations governing school-related transportation, focusing on relevant definitions, driver qualification requirements, training, equipment standards, and special traffic regulations. The requirements and regulations for Head Start bus drivers and buses operated by childcare providers are generally the same or similar, but some differences are not discussed.

Definitions and Classifications

Types of Vehicles

State law categorizes school buses as type A, B, C, or D, and it defines two additional special classifications of vehicles used to transport students: multifunction school activity buses and type III vehicles. Minn. Stat. § 169.011, subd. 71. The type A to D buses comprise what is traditionally considered a school bus; key characteristics include a yellow color, markings indicating that it is a school bus, special flashing lights, and a stop sign located on an arm that swings out from the driver’s side of the bus. The difference in types rests mainly on the bus design (such as chassis and door location) and vehicle weight. Type A school buses are further categorized into type A-I buses, which can weigh up to 14,500 pounds, and type A-II buses, which weigh over 14,500 pounds and up to 21,500 pounds. School buses must be annually registered with the state, but the registration can be under a status that significantly reduces what is owed on the vehicle. Minn. Stat. §§ 168.012, subd. 1 (a) (2); 168.013, subd. 18.

A multifunction school activity bus (MFSAB) is physically the same as a type A, B, C, or D school bus, except that:

- the vehicle does not have a stop-arm that extends from the side;
- it does not have flashing lights for loading and unloading students; and
- the vehicle cannot be painted the standard school bus yellow.

Further, an MFSAB cannot be used to transport students to and from home. 49 C.F.R. Part 571; Minn. Stat. §§ 169.011, subd. 71; 169.4501, subd. 1.

Type III vehicles are a category that is distinct from the traditional yellow school bus. It is essentially a classification for vehicles that are not commonly viewed as school buses but nonetheless are used to transport students in a school-related context. While type A to D school buses take the
form of the typical yellow school bus, a type III vehicle is a passenger car (including a minivan, SUV, or station wagon), van, or in some cases a small bus. The difference between a family automobile and an equivalent type III vehicle is not the vehicle itself, but rather lies in its use: type III vehicles are used by schools for purposes of pupil transportation.

To qualify as a type III vehicle, it must:

- carry a maximum of ten or fewer people, including the driver; and
- weigh 10,000 pounds or less. Minn. Stat. § 169.011, subd. 71.

While typically a passenger auto, a type III vehicle can also be a vehicle commonly recognized as a school bus if it meets the capacity and weight limits. (It cannot have a stop-arm or eight-light warning system and cannot be painted school bus yellow. Minn. Stat. § 169.454, subd. 3.) Note that the definition of a type III vehicle excludes 15-passenger vans.

Arguably, type III vehicles are not included within the usual meaning of “school bus” in some parts of Minnesota Statutes. ²

A motor coach, such as is used by Jefferson Lines, Greyhound, and private tour bus providers, is not specifically defined in statute. A school district is explicitly prohibited from acquiring, owning, or operating a motor coach. Minn. Stat. § 169.448, subd. 2. The school district can, however, contract with a carrier to obtain some transportation services on a motor coach. (This option is more likely to be used for longer trips.) A nonpublic school is prohibited from operating a motor coach for school activities unless the school is registered as a motor carrier of passengers.

Although not explicitly defined in statute, a commercial bus includes a vehicle originally manufactured as a school bus but used for activities besides pupil transportation. While some exceptions apply, such vehicles are generally registered as buses and therefore bear a “BY” plate (see School Buses Used for Nonpupil Transport, page 14). Minn. Stat. § 168.013, subd. 1f.

Types of Driver’s Licenses

Driver’s licenses are divided into four classes that establish a range of vehicles the license holder can legally operate. Class D, which is a standard driver’s license, is the most restrictive. Commercial driver’s licenses consist of classes C, B, and A (each of which reflect expanding driving privileges).

Licenses can also have endorsements, which are special privileges for operating specific vehicles (such as a motorcycle). Each endorsement works as an optional add-on to enable the additional privileges. Some endorsements are only available for certain classes of license. For pupil transportation the two relevant endorsements are a school bus endorsement and a passenger endorsement.

² Due to their distinct status, type III vehicles are not included in any reference to “school bus” within this information brief unless they are specifically identified.
Driver Qualifications

Driver’s License

In general, to transport students a commercial driver’s license with a school bus endorsement as well as a passenger endorsement is required. This requirement applies to all type B, C, or D school buses and corresponding MFSABs (i.e., within the same weight and seating capacity limits), as well as to drivers of a type A school bus with some exceptions. Minn. Stat. §§ 171.02, subd. 2; 171.321, subd. 1.

There are student transport scenarios where a commercial driver’s license with the relevant endorsements is not required. They are when driving:

1) a type III vehicle; and
2) a type A-I school bus or corresponding MFSAB for activities— but not in “to and from” transportation (e.g., pickup or drop-off at home).

The two situations are separate, but in both cases the vehicles can be driven with just a class D license if various conditions are met. (Applicable regulations are discussed throughout this brief; for a summary see Regulating Noncommercial Drivers, starting on page 17.)

Age

The minimum age for a school bus driver is 18. Minn. Stat. § 171.322.

Physical Exam

A physical examination is required for a school bus endorsement or operating a type A-I school bus without an endorsement. It is also required of a driver whose only duty is to transport students in a type III vehicle. The exam is required every two years. Minn. Stat. § 171.321, subd. 2.

Background Checks

The Department of Public Safety is required to conduct a background check of applicants for a new or renewed commercial license with a school bus endorsement. The check consists of the person’s criminal history and driving record in the state, and must include a national criminal history check if the person has resided in Minnesota for less than five years. The department is authorized to conduct additional checks while the person is licensed. Minn. Stat. § 171.321, subd. 3.

A background check is also required for drivers of a type A-I school bus (or corresponding MFSAB) without a school bus endorsement, as well as for drivers of a type III vehicle. The regulations governing the check depend on the type of employee (the check might have already been done for teacher licensure or school district employment). Minn. Stat. § 171.02, subds. 2a (e), 2b (d).

For driver’s license holders with a school bus endorsement, the background check is repeated as part of license renewal (normally every four years).

Drug and Alcohol Testing

Under federal law, drivers with a commercial driver’s license are subject to testing for drugs and alcohol. Employers of licensed commercial drivers are required to perform pre-employment testing, random testing, reasonable
suspicion testing, return to duty testing, follow-up testing, and postaccident testing. While pre-employment testing is for controlled substances, the other types of testing are for both alcohol and controlled substances. 49 C.F.R. Part 382.

District or transport contractor policies may include drug testing, but it is not required under state law for type A-I school bus drivers. An applicant for a job that has driving type III vehicles as its sole purpose is required to undergo pre-employment drug testing, and employees must comply with the employer’s drug and alcohol testing program. Minn. Stat. §§ 171.02, subd. 2b; 181.951, subs. 2, 4, 5.

**Driver’s License Verification**

School districts and bus contractors must annually verify that each bus driver who “regularly transports students,” including a driver of a type III vehicle or multifunction school activity bus, has a valid license. Minn. Stat. § 171.321, subd. 5.

Under separate provisions, type A-I school bus and type III vehicle drivers are subject to an annual license verification. Minn. Stat. § 171.02, subs. 2a (g) and 2b (g).

**Training**

**Driver Training**

Minnesota Statutes identify a number of basic areas in which a school bus driver (including a type A-I driver operating without a commercial driver’s license) must have training or experience in order to be qualified to transport students. Knowledge requirements are set out in general terms, and consist of competency in:

- safe operation of the school bus;
- understanding student behavior;
- encouraging orderly behavior and handling student misconduct;
- knowing relevant laws, rules of the road, and local school bus safety policies;
- handling emergency situations; and
- safely loading and unloading students. Minn. Stat. §§ 171.02, subd. 2a (d); 171.321, subd. 4.

The training requirements listed above apply to type III drivers, who must in addition receive training in:

- performing pretrip vehicle inspections;
- proper use of seat belts;
- specific restrictions and requirements for safe loading and unloading of students; and
- complying with employer notification of certain convictions.
In addition, a person driving a type A-I school bus without a commercial driver’s license must receive training in the use of child restraints following federal guidance, if restraints are used in the vehicle. Minn. Stat. § 171.02, subd. 2a (l).

Following a statutory requirement, the Department of Public Safety has developed a School Bus Training Manual. The training manual serves as a model and basic set of training and evaluation requirements. Schools can add additional district-specific policies and procedures to their training. (A handful of schools also have exceptions to the training manual, which must be authorized by the department.) The manual is based upon knowledge areas listed above, encompassing driving skills, student behavior, emergency management, vehicle inspection, laws and regulations, and special needs.

Schools and busing contractors must provide training annually to school bus drivers. Minn. Stat. § 171.321, subd. 4. An assessment of knowledge is required for the initial training, after which there is an annual requirement of either: (1) at least eight hours of training on school bus transportation, or (2) assessment of skills and knowledge. Minn. Stat. § 171.321, subd. 4.

**Student Training**

State law requires public school students enrolled in kindergarten through grade 10, as well as some other types of students, to receive training in school bus safety. Minn. Stat. § 123B.90, subd. 2. The Department of Education is required to develop a model training program. The training must cover several concepts, including:

- school bus transportation as a privilege (not a right);
- district policies for school bus safety;
- conduct on school buses;
- school bus danger zones;
- procedures for boarding and departing the bus;
- procedures for crossing the street; and
- school bus evacuation.

Students riding in a type A-I school bus or type III vehicle must receive the training as well.

**District Policies**

In addition to meeting statutory training requirements, districts must develop a comprehensive policy on transportation safety. The statute identifies in broad terms the key areas that the policy must cover, including operating rules and procedures, a system for reporting accidents, discipline of passengers, and rules governing type III vehicles. Minn. Stat. § 123B.91.

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3 It is available at: https://dps.mn.gov/divisions/msp/commercial-vehicles/Pages/school-bus-safety.aspx.
Vehicle Standards and Safety Equipment

**General Equipment Standards**

There are numerous requirements surrounding design and construction of school buses, which primarily arise from three sources. First, federal regulations establish safety standards for bus manufacturers, covering bus design features such as rollover and crash protection, bus body strength, and the stop-arm system. 49 C.F.R. § 571. Second, Minnesota statutes incorporate standards specifications developed by the National Congress on School Transportation, an organization of education and motor safety officials. Finally, Minnesota law adds various state-specific adjustments to the incorporated national specifications. Minn. Stat. §§ 169.4501 to 169.4504.

Among numerous requirements, school buses must be equipped with a warning and safety system that consists of (1) a stop-signal arm on the side of the bus; (2) prewarning flashing amber lights; (3) flashing red signals; and (4) for any bus manufactured after January 1, 2013, a school crossing arm. A school bus or Head Start bus can also have a strobe light mounted on the roof. Minn. Stat. § 169.442.

**Type III Vehicle Equipment**

There are separate equipment standards for type III vehicles, which include:

- a maximum vehicle age of under 12 years, unless the vehicle is a bus that meets a federal safety standard covering occupant protection;
- a fire extinguisher;
- a first aid kit and a bodily fluids cleanup kit;
- a rearview mirror as well as side mirrors;
- headlamps, tail lamps, and reflectors conforming to federal safety standards;
- not having exterior vehicle identification as a “school bus;”
- not being painted national school bus yellow; and
- not having a stop-arm or eight-light warning system.

Properly registered and insured type III vehicles that are used “in a nonscheduled situation” by a licensed driver are exempt from the equipment requirements listed above. Minn. Stat. § 169.454.

**Passenger Restraints**

Use of seat belts and child restraint systems (an infant car carrier, safety seat, convertible seat, or booster seat) has been a topic of legislative activity in recent years. (Legislative history is discussed in detail starting on page 17).

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4 The federal safety standard regards “compartmentalization,” which is a design requirement that concerns passenger seating in school buses to protect occupants in the event of a vehicle crash. 49 C.F.R. § 571.222.
Following changes made in 2009 and 2012, seat belt or passenger restraint use is mandatory for all ages in:

- passenger vehicles (such as cars, minivans, and pickup trucks);
- type III vehicles;
- certain smaller school buses; and
- commercial motor vehicles.

Minn. Stat. § 169.686, subd. 1.

The seat belt law works in conjunction with a separate statute mandating use of a child restraint system for younger children. In general, children who are both under age eight and under four feet nine inches tall, and who are traveling in a vehicle equipped with seat belts, must be fastened into a child restraint instead of using a seat belt. Minn. Stat. § 169.685, subd. 5.

Various exceptions from the mandate to use child restraints apply and have been amended in recent years. Following a 2012 change, child restraints are mandated on (1) all type III vehicles (both passenger automobiles and type III vehicles that are manufactured as buses), and (2) those type A-I school buses that have a gross vehicle weight rating (GVWR) of 10,000 pounds or less. Laws 2012, ch. 287, art. 4, § 23.

Passenger seat belts are not currently required to be installed in larger school buses, but school bus seats can be equipped with an approved seat belt assembly.\(^5\) Minn. Stat. § 169.447. If a school bus is so equipped, the seat belts must be used by passengers. Parents and guardians can opt their children out of this provision (as can students age 18 or older) by notifying the school district in writing. Minn. Stat. § 169.447, subd. 2a.

The following table outlines the basic passenger restraint requirements.

\(^5\) Note that under federal safety standards, certain type A-I school buses must be manufactured with a lap belt or lap and shoulder belt.
## Summary of Passenger Restraint Requirements

<table>
<thead>
<tr>
<th>Vehicle</th>
<th>Age</th>
<th>Height</th>
<th>0 to 4’ 8”</th>
<th>4’ 9” or Taller</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type III</td>
<td>0 to 7</td>
<td>Child restraint</td>
<td>Seat belt</td>
<td></td>
</tr>
<tr>
<td></td>
<td>8 or older</td>
<td>Seat belt</td>
<td>Seat belt</td>
<td></td>
</tr>
<tr>
<td>Small School Bus (10,000 lbs.</td>
<td>0 to 7</td>
<td>Child restraint</td>
<td>Seat belt if equipped</td>
<td>Seat belt if equipped</td>
</tr>
<tr>
<td>GVWR or less)</td>
<td>8 or older</td>
<td>Seat belt if equipped</td>
<td>Seat belt if equipped</td>
<td></td>
</tr>
<tr>
<td>School Bus (over 10,000 lbs.</td>
<td>0 to 7</td>
<td>None</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>GVWR)</td>
<td>8 or older</td>
<td>None</td>
<td>None</td>
<td></td>
</tr>
</tbody>
</table>

**Notes**

i Seat belt use is required on a school bus if so equipped, with parental opt-out. Minn. Stat. § 169.447, subd. 2a. Note that under federal regulations, some of the type A-I (smallest) school buses must be manufactured with seat belts. Minn. Stat. §§ 169.685, 169.686

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### Other Restraint Provisions

All school buses must be equipped with a seat belt for the driver, and the bus driver is required to wear the seat belt. Minn. Stat. § 169.447, subd. 2.

Minnesota Statutes contain some liability protections related to seat belts. In a personal injury or wrongful death lawsuit, a school district or school bus contractor (including any agent such as the driver or a volunteer) cannot be held liable (1) solely based on failure of an injured passenger to use a seat belt, or (2) for failure to assist a passenger in seat belt fastening or adjustment. The liability protections only apply if the school district or bus contractor has maintained all equipment in good working order and has complied with relevant laws and school district policies. Minn. Stat. § 169.447, subd. 2a.

Beginning in October 2011, a modified federal safety standard requires all school buses with a maximum gross vehicle weight of less than 10,000 pounds to be manufactured with an approved lap and shoulder belt assembly (a three-point system) for passenger seating. 49 C.F.R. § 571.208. In the past several years, such school buses had been required to be equipped with lap belts (a two-point system). Note that the change in the safety standard applies only to type A-I school buses weighing less than 10,000 pounds and does not apply to type A-I buses weighing between 10,000 and 14,500 pounds. (Minnesota classifies school buses weighing up to 14,500 pounds as type A-I.)
**Inspections**

State law requires the State Patrol to annually inspect all school buses and allows them to perform random inspections at other times. An inspection certificate must be displayed on the vehicle. Operating a school bus without displaying a valid inspection certificate from the State Patrol is a misdemeanor. The inspection requirement applies to all school buses, including type A-I buses, and to type III vehicles. Minn. Stat. §§ 169.451; 171.02, subs. 2a (n), 2b (n).

**School Buses Used for Nonpupil Transport**

A vehicle originally manufactured as a school bus that is not actually used as school bus or Head Start bus cannot bear a “school bus” sign, be painted yellow, or be equipped with school bus-related equipment (which would seem to include the stop-arm and lighting systems). There are exceptions to equipment limitations when (1) the vehicle is owned by or under contract to a school district and operated as a charter or leased bus; (2) the bus is used under contract with a tax-exempt entity for a special event and in conformance with motor carrier regulations; (3) the bus is operated by a day activity center and certain conditions are met; or (4) the bus is operated by a licensed childcare provider and additional conditions are met. Minn. Stat. §§ 169.441, subd. 3 (b); 169.4475; 169.448, subd. 1.

Buses used by childcare providers under the exception must:

- have the stop-arm removed;
- have the eight-light warning system deactivated;
- be identified as a “childcare bus” on the front and rear; and
- have the name, address, and phone number of the provider on the vehicle door. Minn. Stat. § 169.448, subd. 1.

There are also driver licensure requirements for operators of childcare provider buses (which are similar to those in place for certain drivers of type A-I school buses).  

**Loss of Driving Privileges**

**Notification of Driving Incidents**

Upon conviction for certain disqualifying offenses, the courts must determine if the offender is a school bus driver and if so, must within ten days notify the Department of Public Safety as well as the school district of the conviction. Minn. Stat. § 631.40, subd. 1a.

Federal regulations also require a commercial driver’s license holder who is convicted of a traffic violation (other than for parking) to notify both the

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6 The driver regulations are that: the bus operator is not solely hired to provide transportation; the transport is not “to and from” residences and the school or childcare center; the employer (e.g., childcare center or bus transport contractor) has a program for training and certification; the driver has a physical examination; there is a background investigation; the driver’s license is annually verified; the driver has not been recently convicted of various automotive and DWI-related offenses; the driver is trained on use of child safety restraints; and the vehicle has a State Patrol inspection certificate. Minn. Stat. §§ 169.448, subd. 1; 171.02, subd. 2a.
state and that person’s employer, such as a school district or busing contractor. 49 C.F.R. § 383.31. The notification must be made within 30 days of the conviction. If a commercial driver’s license is suspended, the license holder must notify any employer of the suspension. 49 C.F.R. § 383.33.

If a type III vehicle driver is convicted of various offenses, listed below, the person must notify the employer within ten days of the conviction. Minn. Stat. § 171.02, subd. 2b (k). (This notification requirement applies to type III drivers but not type A-I drivers operating without an endorsement.)

Removal of Privileges: School Buses

Privileges to drive a school bus can be removed for a variety of offenses, and the length of time for removing privileges depends on the type of violation. First, following a conviction for a “disqualifying offense,” the Department of Public Safety must permanently cancel the person’s school bus endorsement (or for nonresidents, the person’s school bus driving privileges). Minn. Stat. § 171.3215, subd. 2.

Disqualifying offenses include:

- any felony offense;
- certain drug-related violations (if not a petty misdemeanor);
- violation of certain prohibitions relating to minors (such as fifth-degree criminal sexual conduct and dissemination of harmful materials to minors); and
- a DWI violation while operating a school bus. Minn. Stat. § 171.3215, subd. 1.

Second, upon conviction for a DWI violation that does not take place when operating a school bus, the department must cancel the person’s school bus endorsement for at least five years (if the violation occurs while operating a school bus, it is a disqualifying offense as discussed above). Minn. Stat. § 171.3215, subd. 2. The endorsement cannot be reinstated until the driver has successfully completed an alcohol or controlled substance abuse treatment program.

Third, conviction of a fourth moving violation within three years causes cancellation of an endorsement for one year from the date of the last conviction. Minn. Stat. § 171.3215, subd. 2.

Fourth, the department must disqualify a person from driving a commercial motor vehicle for various offenses identified under federal regulations. These range from using a vehicle to commit a felony to a number of serious traffic offenses. Minn. Stat. § 171.165, subd. 1.

Fifth, the department must revoke a school bus endorsement if the driver is

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7 This section identifies ways in which school bus driving privileges can be removed under school bus regulations. The discussion does not identify other laws leading to license suspension, cancellation, or revocation that apply universally to all drivers.
convicted of certain misdemeanor offenses related to children’s safety around school buses. Minn. Stat. § 171.17, subd. 1 (b).

Finally, the department can cancel a school bus endorsement if the person is convicted of a gross misdemeanor or a series of violations that are determined to be a risk to public safety. Minn. Stat. § 171.3216.

### Removal of Privileges: Type A-I School Buses/MFSABs and Type III Vehicles

A person cannot operate a type A-I school bus or equivalent MFSAB (without a commercial driver’s license), or a type III vehicle, if convicted of:

- any of the previously identified “disqualifying offenses” (which permanently removes bus or type III vehicle driving privileges);
- a DWI or implied consent violation (which removes driving privileges for five years);
- operating a school bus, type III vehicle, or Head Start bus with any evidence of alcohol consumption in the bloodstream (which removes driving privileges for five years); or
- a fourth moving violation in the case of type A-I school bus drivers, or a third moving violation in the case of type III vehicle drivers, within three years (both of which remove driving privileges for one year from the date of the last conviction).

Minn. Stat. §§ 169A.31; 171.02, subds. 2a, 2b.

### Traffic Regulations

#### Operating Rules for School Bus Drivers

Drivers of a school bus must comply with a variety of traffic regulations that are specific to pupil transportation. They include stopping at railroad crossings, requirements for use of the stop-arm and lighting system, methods for proper loading and unloading of students, and times of day to use headlights and taillights. Minn. Stat. §§ 169.28; 169.441 to 169.444; 169.48.

State law (1) requires all school buses and Head Start buses to be equipped with driver seat belts, and (2) prohibits drivers from using cell phones for personal use when the vehicle is in traffic. The cell phone ban also applies to type III vehicle drivers. Minn. Stat. §169.443, subd. 9.

#### Operating Rules for Type III Vehicle Drivers

Many school bus operation regulations do not apply to type III vehicles. For example, type III vehicles do not need to stop at railroad crossings, and the vehicles do not need to use a stop-arm or flashing red lights since they are not equipped with such items. Minn. Stat. § 169.28, subd. 1.

The pretrip inspection of a type III vehicle is similar to that required for school buses (and other commercial motor vehicles). Before departing on the pupil transportation trip, the driver must check mechanicals (such as oil level and condition of tires), the vehicle exterior (such as mirrors and lights), the vehicle interior (such as information gauges and wipers), and safety equipment (such as a fire extinguisher and reflective triangles). A pretrip inspection form must be filled out and kept in the vehicle while it is being
The driver of a type III vehicle is also subject to passenger loading and unloading requirements. Drivers loading or unloading passengers in a type III vehicle must (1) use the right-hand or curbside side of the vehicle, (2) use hazard lights while loading and unloading, and (3) place the vehicle in park. Minn. Stat. §§ 169.443, subd. 6; 169.28, subd. 1. A driver may not load or unload passengers:

- in a traffic lane or turn lane (unless it is a parking lane);
- on the roadway shoulder;
- so that the passenger has to subsequently cross the road, unless it is otherwise impractical; or
- in a manner that stops other traffic. Minn. Rules, part 7470.1500.

Drivers who encounter a school bus face additional traffic regulations that are specific to school buses. A driver must:

- stop at least 20 feet away from a stopped school bus that is displaying the stop-arm signal and flashing red lights (which does not apply if the bus is on a separate roadway);
- not pass on the right side of a school bus that is displaying prewarning flashing amber signals; and
- stop for a column of children who are crossing a street, and for a school safety patrol or crossing guard who is helping children cross or stopping traffic with an official signal.

Violation of the above traffic laws is a misdemeanor, which can increase to a gross misdemeanor under some circumstances. Minn. Stat. §§ 169.21, subd. 2; 169.444.
Regulating Noncommercial Drivers

This section summarizes the regulatory structure for drivers who provide pupil transportation without holding a commercial driver’s license and the requisite endorsements (such as teachers who drive students occasionally or school staff who have multiple duties that include some transportation).

**Type A-I School Buses/MFSABs**

As discussed previously, a type A-I school bus or equivalent MFSAB may be operated without a commercial driver’s license (and accompanying endorsements) but several conditions must be met. Key requirements are that (1) transportation can only be for school-related activities and not for going to and from student residences or pickup and drop-off points, and (2) the driver is not hired solely to provide pupil transportation. Other requirements are that:

- the bus is designed to carry a maximum of 15 people or less, including the driver;
- the vehicle weighs no more than 14,500 pounds (which is the weight cutoff for type A-I school buses);
- the vehicle operator is an employee of the school bus owner, lessor, or contractor;
- the employer (e.g., school district or bus transport contractor) has a program for driver training and certification;
- there is a background investigation;
- the driver undergoes a physical examination;
- the driver’s license is annually verified by the school district or bus contractor;
- the driver has not been recently convicted of various automotive and DWI-related offenses;
- students receive school bus passenger training;
- the driver is trained on the use of child safety restraints;
- the district or school bus contractor maintains documentation that annually certifies that the requirements are being met;
- the vehicle has a State Patrol inspection certificate; and
- the term “school” on the front and rear of the bus is replaced by the term “activities.” Minn. Stat. § 171.02, subds. 2, 2a.

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8 Part of the policy rationale behind allowing operation of type A-I school buses without a commercial driver’s license (but subject to what essentially consists of a narrower set of driver regulations) regards 15-passenger vans. The relatively easier driver licensing requirements for type A-I school buses likely reflects state and federal interest in shifting pupil transportation away from 15-passenger vans and the policy goal of enhancing pupil safety.

9 A separate statute requires annual license verification by a school district or busing contractor of “each employee who regularly transports students.” Minn. Stat. § 171.321, subd 5.
If the requirements listed above are not met, a commercial driver’s license with school bus and passenger endorsements is necessary for pupil transportation using the vehicle.

**Type III Vehicles**

Regulations related to type III vehicles are similar to those for type A-I school bus drivers who operate without a commercial license. The requirements are that:

- the vehicle operator is an employee of the school bus owner, lessor, or contractor;
- the employer (e.g., school district or bus transport contractor) has a program for driver training and certification that covers specific statutory items;
- there is a background investigation of the driver, which must meet specific requirements for different types of employees;
- the driver’s license is annually verified by the school district or bus contractor;
- if the person is hired solely to transport students in type III vehicles: (1) the driver must undergo a physical examination, (2) the employer has to have a mandatory drug testing program for job applicants (i.e., pre-employment testing), and (3) the driver must comply with an employer program for random testing and reasonable suspicion testing of employees (which the employer may optionally establish);
- the driver has not been recently convicted of various automotive or DWI-related offenses;
- the driver notifies his or her employer within ten days of a conviction for any offense that prevents operating the vehicle;
- students receive school bus passenger training;
- the district or school bus contractor maintains documentation that the requirements are being met;
- the type III vehicle has a State Patrol inspection certificate; and
- the vehicle meets various equipment requirements (see Vehicle Standards and Safety Equipment, page 11). Minn. Stat. §§ 169.454; 171.02, subds. 2, 2b.

A couple of the requirements, regarding a physical exam and drug and alcohol testing, do not apply if the driver “is not employed for the sole purpose of operating a type III vehicle.” Minn. Stat. § 171.02, subd. 2b (o).

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10 The requirements are arguably designed to regulate transport of students in vehicles that would be familiar to a typical driver (such as a minivan or SUV), in a manner that does not require a commercial driver’s license but does set some safety requirements paralleling those faced by holders of a commercial license.

11 A separate statute requires annual license verification by a school district or busing contractor of “each employee who regularly transports students.” Minn. Stat. § 171.321, subd 5.
These exceptions are aimed particularly at teachers and other school staff who are employed primarily for other purposes, but who might provide pupil transportation on some occasions.

**Type III Vehicle Operation by Volunteers**

The regulations prohibit volunteers from driving type III vehicles for school functions or activities. Minn. Stat. § 171.02, subd. 2b (b). Volunteers are not able to drive if the school is involved in providing the vehicles, organizing or coordinating the transportation, or giving compensation for transport. The regulations do not limit parents from giving rides to their children or arranging carpools independent of the school.

**Appendix: Recent Law Changes**

This section reviews legislative changes in recent years impacting pupil transportation, particularly with regard to type III vehicle regulations, child restraint systems, and seat belts.

**2009**

**Type III vehicles.** In 2008, the legislature enacted regulations specific to drivers of type III vehicles (which went into effect August 1, 2008). The regulations were modified in 2009 (going into effect in April 2009). Laws 2009, ch. 24. The 2009 changes were to:

- modify the exemption from some of the type III driver requirements so that all drivers must (1) undergo a background check, (2) have their license annually verified by the employer, and (3) notify the employer if convicted for certain DWI and traffic regulation offenses;
- clarify the exemptions from the physical exam and drug and alcohol testing provisions, to replace the “normal duties” test with an exemption that applies to all school and bus contractor employees who are “not employed for the sole purpose of operating a type III vehicle”;
- clarify that holders of any class of commercial driver’s license may operate a type III vehicle without a school bus endorsement (if the other requirements are met);
- specify that the school district or employer’s driver training and certification has to provide information on the requirement that the driver report convictions for certain DWI and traffic regulation offenses;
- clarify that unless the driver is exempted, the driver’s employer must require pre-employment drug and alcohol testing, and that drivers must comply if the employer has a program for random or reasonable suspicion testing; and
- make technical changes.

**Child restraints.** 2009 legislation concerning child restraint systems (which are infant carriers, convertible car seats, and child booster seats) was designed to expand mandated use of child restraints. Under the revised law, use of a child restraint became required—in vehicles equipped
with factory installed seat belts—when transporting a child who is (1) under age eight, and (2) under four feet nine inches tall. **Laws 2009, ch. 82.** Raising the age threshold for use of a child restraint expanded the set of children for whom child passenger restraints are required. The legislation also specifically authorized a peace officer to provide, at the time of issuance of a citation, information on obtaining a free or low-cost child restraint. The changes went into effect July 1, 2009.

Prior to the 2009 change in state law, a child passenger restraint system was only required to transport children under age four. From ages four through ten, regardless of height or weight, the child was generally required to wear a seat belt. **Minn. Stat. §§ 169.685, subd. 5; 169.686, subd. 1.**

**Seat belts.** The 2009 Legislature also made a series of changes regarding seat belts that essentially made their use mandatory and the law more readily enforceable. **Laws 2009, ch.165; ch. 168, §§ 6-7.** Some have referred to the legislation as the “primary seat belt” law, but several changes were made in addition making a seat belt violation a primary offense. Most of provisions went into effect June 9, 2009. Some of the modifications are identified below.

- It required everyone riding in a passenger vehicle or a commercial motor vehicle to wear a seat belt. Prior to the change, a seat belt had to be worn by the driver, front seat passengers, and any passengers under age 11 (if a child restraint was not instead required).
- It eliminated a provision prohibiting issuance of a citation for failure to wear a seat belt unless the issuing officer stopped the vehicle for some other moving violation. This made violation of the seat belt statute a primary offense.
- It expanded the types of vehicles for which the seat belt provision applies, to include type III vehicles and type III Head Start vehicles. The seat belt requirement applies to various “passenger vehicles,” a category that includes passenger automobiles that can carry up to 15 people; pickup trucks of any size; vans; commuter vans; and recreational vehicles.
- It modified the cases when the driver can be cited for a seat belt violation due to failure of a passenger to wear a seat belt. The driver can be cited for each passenger who is under age 15 and requires a seat belt but is not wearing one. Passengers age 15 or over can be cited for failure to use a seat belt.
- It clarified that the driver might be subject to more than one $25 fine for failure to wear a seat belt. This would occur if the driver receives multiple citations, such as (1) if both the driver and a passenger under age 15 were identified as in violation of the seat belt law, or (2) if multiple passengers under age 15 failed to wear a seat belt.

**Other changes.** Other legislative changes made in 2009 include (1) modifying the weight cutoff for type A-I school buses, raising the upper weight limit from 10,000 to 14,500 pounds (which is intended to reflect the increase in weight of such buses as they are currently manufactured); and (2) defining and clarifying the regulation of multifunction school activity buses, including allowing operation of such buses weighing up to 14,500 pounds without a commercial driver’s license when following the same regulations as with type A-I school buses. **Laws 2009, ch. 96, art. 8.**
2010

**Type III vehicles.** In 2010, the legislature modified requirements that apply for a person to be able to drive a type III vehicle without having a commercial driver’s license, to:

- add to the required driver training on loading and unloading students, so that it includes training on properly parking the vehicle when escorting pupils as part of unloading;
- eliminate pre-employment alcohol testing of job applicants for a driver position;
- allow employers to use a breathalyzer (instead of a blood test) as part of their mandatory random alcohol testing program;
- authorize the Department of Public Safety to use the same physical qualification requirements for type III vehicle drivers that apply under federal regulations to commercial motor vehicle drivers (which includes authority to grant a waiver from the qualifications if the driver has been medically examined within the last 24 months and meets the federal requirements); and
- make technical changes.

Most of the changes went into effect July 1, 2010. [Laws 2010, ch. 351, §§ 36-37.]

**Child restraints.** The 2009 law expanding required use of child restraints was modified. The 2010 change exempted additional vehicles from the child restraint mandate, which consist of (1) school buses, and (2) those type III vehicles that are manufactured to meet the federal occupant crash protection safety standards required of school buses (such as “compartmentalization”). [Laws 2010, ch. 356, § 2.]

One of the policy rationales expressed for the change was that the 2009 expansion of required child safety seat use was not intended to impact pupil transportation.

As discussed, type III vehicles primarily consist of passenger automobiles (like station wagons and SUVs), but the category can include a vehicle that is commonly viewed as a small school bus yet lacks some features unique to school buses. With respect to type III vehicles, the child restraint exemption only applied to those that are buses having the same occupant protection features as school buses. Use of child restraints continued to be required when transporting applicable children in a type III vehicle that is a regular passenger automobile, such as a minivan.

2012

**Child restraints.** The 2012 Legislature eliminated an exception from mandatory use of child restraints for certain lighter school buses. Following the change, child restraints became required for a type III vehicle or school bus having a gross vehicle weight rating of 10,000 pounds or less. [Laws 2012, ch. 287, art. 4, § 23.]

Previously, an exemption from the child restraint mandate applied to type III vehicles as well as type A-I school buses where the vehicle was a bus manufactured to meet the federal occupant crash protection safety standards required of school buses (regarding passenger seating and compartmentalization).
Another change concerned a special account for providing child restraints and related programs, funded through fine proceeds from child restraint violations. The change broadened the available uses of funds in the account to include financial assistance to schools for providing child restraints on buses. *Laws 2012, ch. 287*, art. 4, § 24.

**School bus standards.** Also in 2012, the legislature updated the version of school bus standards and specifications to use the 2010 edition of the National School Transportation Specifications and Procedures adopted by the National Congress on School Transportation. Addendums to the national standards were also enacted by the Minnesota Legislature, covering topics such as mandatory school crossing arms, auxiliary fan requirements, and use of video surveillance systems. The revisions apply to buses manufactured beginning January 1, 2013. *Laws 2012, ch. 137*.

**2013**

**Special events.** A 2013 change authorized the use of a school bus by schools and bus contractors for special one- or two-day events under agreement with a tax-exempt entity, without the school bus being required to be reregistered as a commercial bus. Transportation under the provision is subject to the typical commercial motor vehicle regulations that apply to nonpupil transportation of passengers. *Laws 2013, ch. 102*.

**Miscellaneous changes.** Other changes made in 2013 consisted of clarifications to the statutory meaning for type III vehicles, as well as:

- broadening the prohibition on a school bus driver’s personal cell phones use, to include times when the vehicle is in traffic (such as at a red light); and

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