

INFORMATION BRIEF

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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 some 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 brief also summarizes recent legislative changes.

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Executive Summary








This brief outlines a variety of Minnesota Statutes governing school-related transportation. The state law regulatory structure can be categorized into a few areas:

- **driver qualifications** such as driver licensing, background checks, and drug testing
- **training** for both drivers and the pupils being transported
- **vehicle registration and taxation** along with tax exemptions
- **vehicle and equipment standards** like light systems, color, and vehicle inspections
- **passenger restraints** for transporting students
- **traffic regulations** specific to pupil transportation
- **loss of driving privileges** due to various incidents and convictions

A number of laws vary depending on the circumstances of the transportation. That is, different regulations might apply depending on (1) the specific vehicle used, (2) whether the transport is to and from school (e.g., on routes with school bus stops) or is for school-related activities (such as a sports event), 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 some of the regulations that apply for each type of vehicle used in the transport.

Vehicle Classifications Summary Table¹

Vehicle	Type	Description	2015-16 Fleet ²
	A	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 further divided between type A-I buses and type A-II buses based on vehicle weight.	1,604
	B	Moderate-sized bus built on a stripped chassis, with a passenger door located behind the front wheels.	229
	C	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.	8,244
	D	Large, transit-style bus with an entrance door in front of the front wheels. The engine is not located in front of the windshield, and is often in the rear.	1,569
	III	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 7.	5,708
	MFSAB	A "multifunction school activity bus" (MFSAB) is a school bus that lacks some features specific to other school buses. See page 7.	85
	Motor coach	A motor coach is not a school bus and is not specifically defined in state statute. Generally it has an entrance door in front of the front wheels, storage capacity underneath the passenger seating area, separated seats, and an upgraded interior.	

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¹ Images sources: <http://busspecifications.com>; <http://www.vanandcardesks.com>; <http://online.wsj.com>; <http://www.coachne.com>; <http://www.schoolbusfleet.com>; <http://www.ford.com>

² Counts include school district and contractor-owned vehicles in Minnesota. Additional data is available at: <http://w20.education.state.mn.us/MDEAnalytics/DataTopic.jsp?TOPICID=47>

Regulations Summary Table

Category	General Pupil Transportation	Transportation for Activities	Smaller Vehicle Pupil Transportation
Vehicles	Type A, B, C, or D school bus or MFSAB	Type A-I school bus or MSFAB ⁱ	Type III vehicle
Allowed forms of pupil transportation	To and from school, except in MFSAB; for activities	For activities only (not to and from school)	To and from school; for activities
Driver's employment status	Not specified	Cannot be employed solely for pupil transportation	Employed by school or bus contractor
Minimum class of driver's license	Class C, B, or A with school bus and passenger endorsements	Includes class D, depending on vehicle weight & capacity	Class D with no endorsement
Physical exam	Required	Required	None or required ⁱⁱ
License verification	Annual	Annual	Annual
Background check	Required	Required	Required
Pre-employment drug testing	Required	None	None or required ⁱⁱ
Drug and alcohol testing	Required	If employer requires	None or if employer requires ⁱⁱ
Driving incident notification to employer			
By employee	Required	None	Required
By courts	On certain offenses	On certain offenses	On certain offenses
Removal of driving privileges	On certain offenses	On certain offenses	On certain offenses
Driver training	Annual	Annual	Annual
Ownership of vehicle	Not specified	Must be owned, leased, or contracted by school	Must be owned, leased, or contracted by school
Vehicle inspections			
By State Patrol	Annual	Annual	Annual
Driver pretrip	Required for each day	Required for each day	Required for each day
Vehicle operation restrictions	Cell phones; various	Cell phones; various	Pupil loading / unloading; cell phones
Notes			
ⁱ This set of regulations applies to MFSABs that are equivalent to type A-I school buses in size and capacity.			
ⁱⁱ 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 in 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 drop-off/pickup location, and (2) “point-to-point” or “activities” transportation, which refers to transporting pupils to educational activities or school-related programs. To and from transport generally occurs on a 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; and
- a teacher or coach taking a few students in a van to an event, whether regularly throughout the school year or on occasion.

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, which is through an Office of Pupil Transportation Safety in the State Patrol. [Minn. Stat. § 169.435](#). 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 (such as in setting bussing routes).

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 vehicle manufacturers (establishing various vehicle design and engineering standards) and commercial driver’s license holders (covering 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).

Restricted Use of School Buses for General Transportation

State statutes limit use of traditional yellow school buses to only pupil transportation, although there are exceptions for some situations. This restriction is in effect based on how a vehicle is permitted to be equipped if it is not used to transport students. Namely, 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 likely includes the stop-arm and lighting systems). [Minn. Stat. §§ 169.441](#), subd. 3; [169.448](#), subd. 1.

There are exceptions to the equipment and appearance 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 a specified set of conditions are met; or (4) the bus is operated by a licensed childcare provider and some additional conditions are met. [Minn. Stat. §§ 169.011](#), subd. 71 (a); [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;
- have the name, address, and phone number of the provider on the vehicle door; and
- bear a State Patrol inspection certificate. [Minn. Stat. § 169.448](#), subd. 1; [171.02](#), subd. 2a (n).

Also for operators of childcare provider buses, there are driver-related requirements (which are based on prerequisites in place for some drivers of type A-I school buses).³

³ 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; and the driver is trained on use of child safety restraints. [Minn. Stat. §§ 169.448](#), subd. 1; [171.02](#), subd. 2a.

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

School Buses

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.

Multifunction School Activity Buses

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;
- does not have flashing lights for loading and unloading students; and
- 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

Type III vehicles are 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 a type III vehicle is not the vehicle itself but instead lies in its use: type III vehicles are used by schools for pupil transportation.

A type III vehicle must:

- be built to carry no more than ten people, including the driver;
- weigh 10,000 pounds or less; and
- be less than 12 years old (unless it meets federal occupant safety standards that apply to school buses). [Minn. Stat. §§ 169.011](#), subd. 71; [169.454](#), subd. 2.

While typically a passenger automobile, the type III vehicle classification includes a vehicle normally 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 because of seating capacity, 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.⁴

Other Types of Vehicles

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 bear a “BY” plate. [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, with class A the least restrictive).

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**.

⁴ 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 (CDL) 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.

A commercial driver's license with the relevant endorsements is not required in some scenarios. Noncommercial drivers can operate:

- a type III vehicle; and
- some type A-I school buses or corresponding MFSABs, depending on the capacity of the bus⁵ and if the transportation is for activities (not "to and from" transportation such as pickup and drop-off at bus stops).

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 listing see Regulations for Noncommercial Drivers, starting on page 20.)

Driver's License Verification

School districts and bus contractors must annually verify that each bus driver who "regularly transports students" has a valid license. This includes a driver of a type III vehicle or multifunction school activity bus. [Minn. Stat. § 171.321](#), subd. 5. Under separate provisions, drivers of type A-I school buses and type III vehicles are subject to an annual license verification. [Minn. Stat. § 171.02](#), subs. 2a (g) and 2b (g).

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

⁵ Among the conditions, the bus must have a gross vehicle weight rating of no more than 14,500 pounds and be designed to transport no more than 15 passengers. [Minn. Stat. § 171.02](#), subd. 2a (p) and (q).

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 some noncommercial type A-I school bus drivers (who are operating the bus under the noncommercial driver provision; see Regulations for Noncommercial Drivers, starting on page 20). 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](#), subds. 2, 4, 5.

Training

Driver Training for School Buses

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.

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).

Driver Training for Type III Vehicles

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 and child restraints;
- specific restrictions and requirements for safe loading and unloading of students; and
- complying with employer notification of certain convictions. [Minn. Stat. § 171.02](#), subd. 2b (c).

Frequency

Schools and busing contractors must provide training annually to school bus drivers. [Minn. Stat. § 171.321](#), subd. 4.

Assessment

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. The Minnesota 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. A school bus evacuation drill must also be conducted annually. [Minn. Stat. § 123B.90](#), subd. 2.

State and District Policies

Following a statutory requirement, the Department of Public Safety has developed a model School Bus Training Manual.⁶ The manual serves as a model and basic set of training and evaluation requirements. 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 can add additional district-specific policies and procedures to their training.⁷ (A handful of schools also have exceptions to the training manual, which must be authorized by the department.)

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](#).

Vehicle Registration and Taxes

The following highlights key registration and vehicle taxation provisions in state law (although some fees and local option taxes are not discussed).

Registration

School buses along with type III vehicles must be registered and bear a license plate. Most school buses and type III vehicles can be registered as tax-exempt, but there is a \$5 administrative fee and a \$10 plate fee. The plate fee only applies the first time the vehicle is registered and when the plates are replaced. Tax-exempt vehicle registration is biennial. [Minn. Stat. § 168.012](#), subd. 1c. A school bus must be inspected by the State Patrol prior to initial registration. [Minn. Stat. § 168.102](#).

Registration Tax

In addition to the fees, a registration tax might be due on a school bus depending on the circumstances.

- When registered as tax-exempt, no registration tax is due for school buses owned by schools and used only for transporting pupils to and from school. [Minn. Stat. § 168.012](#), subd. 1 (a)(2).
- The registration tax is \$25 for school buses used exclusively in pupil transportation by contract with a school district (i.e., being registered by a bus contractor) or in transportation for nonprofit educational institutions.⁸ [Minn. Stat. § 168.013](#), subd. 18.

⁶ It is available at: <https://dps.mn.gov/divisions/msp/commercial-vehicles/Pages/school-bus-safety.aspx>.

⁷ Additional resources from the Minnesota Department of Education are available at: <http://education.state.mn.us/MDE/dse/schfin/Trans/Safe/index.htm>.

⁸ School buses can also be used for nonschool-related special event transportation involving a tax-exempt entity. [Minn. Stat. § 169.4475](#).

For other buses (for instance, commercial buses not used in pupil transportation) the registration tax varies with vehicle age and weight. The tax increases with higher weights but is on a reduced tax schedule beginning with vehicles that are four years old. [Minn. Stat. § 168.013](#), subd. 1f.

Local Option Wheelage Taxes

Counties and cities each have local authority for wheelage taxes. [Minn. Stat. §§ 163.051, 426.05](#). More than half of the counties throughout the state impose a wheelage tax. A vehicle that is not subject to the registration tax is also exempt from county wheelage taxes, which includes some school buses (as outlined above). Until the end of calendar year 2017, the county wheelage tax rate is \$10 per year, and starting January 1, 2018, counties can set a rate of up to \$20 per year.

Motor Vehicle Sales Tax

The motor vehicle sales tax, or MVST, is due on all school bus and type III vehicle purchases. [Minn. Stat. §§ 297B.01](#), subd. 11; [297B.02](#). MVST is a 6.5 percent tax applied to the sale of new and used motor vehicles based on the purchase price. It is imposed instead of the state general sales tax.

Vehicle Standards

General Design Standards

There are detailed 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 specifications developed by the National Congress on School Transportation, a nongovernmental national standards organization of education and motor safety officials. Finally, state statutes add various Minnesota-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:

- a stop-signal arm (which rotates out on the driver side of the bus);
- prewarning flashing amber lights;
- flashing red signals; and
- 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. [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;⁹
- a fire extinguisher;
- a first aid kit and a bodily fluids cleanup kit;
- 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” are exempt from the equipment requirements listed above if it is operated by a licensed driver who is an employee or agent of the school district. [Minn. Stat. § 169.454](#).

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](#), subds. 2a (n), 2b (n).

Passenger Restraints

General Requirements

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 some years. (Legislative history is discussed in detail starting on page 23).

While there are exceptions, seat belt or passenger restraint use is generally mandatory for all ages in:

- passenger vehicles (such as cars, minivans, and pickup trucks);
- type III vehicles;
- some smaller school buses; and
- commercial motor vehicles. [Minn. Stat. § 169.686](#), subd. 1.

Separate statutes on seat belts and child restraint systems for younger children work in conjunction with each other. 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

⁹ 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](#).

into a child restraint instead of using a seat belt. There are various exceptions from the mandate to use child restraints. [Minn. Stat. § 169.685](#), subds. 5 & 6.

Restraints in Pupil Transportation

Child restraints are mandated on (1) all type III vehicles (both passenger automobiles and type III vehicles that are manufactured as buses), and (2) type A-I school buses that have a gross vehicle weight rating (GVWR) of 10,000 pounds or less.

Passenger seat belts are not required to be installed in larger school buses, but school bus seats can be equipped with an approved seat belt assembly.¹⁰ [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 pupil transportation passenger restraint requirements.

Summary of Passenger Restraint Requirements

Vehicle	Age	Height	
		0 to 4' 8"	4' 9" or Taller
Type III	0 to 7	Child restraint	Seat belt
	8 or older	Seat belt	Seat belt
Small School Bus (10,000 lbs. GVWR or less)	0 to 7	Child restraint	Seat belt if equipped ⁱ
	8 or older	Seat belt if equipped ⁱ	Seat belt if equipped ⁱ
School Bus (over 10,000 lbs. GVWR)	0 to 7	None ⁱ	None ⁱ
	8 or older	None ⁱ	None ⁱ
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 type A-I (smallest) school buses must be manufactured with seat belts. Minn. Stat. §§ 169.685, 169.686			

A 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](#). Prior to October 2011, 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

¹⁰ Note that under federal safety standards, certain type A-I school buses must be manufactured with a lap belt or lap and shoulder belt.

pounds; it 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.)

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.

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 making cell phone calls 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. (There is a separate prohibition on texting and electronic messaging that applies to all drivers. [Minn. Stat. § 169.475](#).)

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 them. [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 pupil transportation each day, 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 driven.

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](#).

Operating Rules for Other Motorists

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 warning flashing amber lights; 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, some of which carry a minimum \$500 fine under a 2017 law change (see the [Appendix](#) for more details). The penalty can increase to a gross misdemeanor in some situations. [Minn. Stat. §§ 169.21](#), subd. 2; [169.444](#).

School Bus Stops

Minnesota Statutes grant substantial authority to the board of a school district or charter school to oversee the logistics of pupil transportation. The statute states: “When transportation is provided, scheduling of routes, establishment of the location of bus stops, manner and method of transportation, control and discipline of school children, the determination of fees, and any other matter relating thereto must be within the sole discretion, control, and management of the board.” [Minn. Stat. § 123B.88](#), subd. 1.

This is the general authority schools rely on when determining and locating school bus stops. However, the authority is further constrained by both state statute and administrative rule to ensure that school buses do not stop to load or unload students in locations that could endanger students. For instance, school buses must load and unload on the right side of the road, and there is a general prohibition on loading or unloading students in a right-turn lane unless specific conditions are met.¹¹ [Minn. Stat. § 169.443](#), subd. 2; [Minn. Rules parts 7470.1000, 7470.1100](#).

¹¹ Following a 2017 law change, the conditions for using a right-turn lane are that (1) the bus stop is designated by the district’s transportation safety director; (2) the driver stops at the extreme right side of the turn lane; and (3)

Loss of Driving Privileges

Notification of Driving Incidents

Upon conviction for specific 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 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 (outlined 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.) Also, a type III vehicle driver must inform an employer of loss of driving privileges (such as license suspension, cancellation, or revocation) by the day after receiving notice of the loss of privileges. [Minn. Stat. § 171.02](#), subd. 2b (l).

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.¹²

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;
- some drug-related violations (if not a petty misdemeanor);
- violation of some specified 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

the driver uses warning amber lights, red lights, and stop-arm system, unless directed otherwise by the school board. A corresponding administrative change to conform with the revised statute is impending.

¹² 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.

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 convicted of some 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
- some repeat violations: a fourth moving violation within three years in the case of type A-I school bus drivers, or a third moving violation within three years in the case of type III vehicle drivers (both of which remove driving privileges for one year from the date of the last conviction). [Minn. Stat. §§ 169A.31; 171.02](#), subs. 2a, 2b.

Regulations for Noncommercial Drivers

This section summarizes the regulatory structure for drivers who transport pupils 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 previously outlined, 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.¹³ 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 employed 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;
- vehicle weight is no more than 14,500 pounds (the 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;¹⁴
- the driver has not been recently convicted of various traffic or 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.

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.

¹³ Part of the policy rationale behind allowing operation of type A-I school buses without a commercial driver's license (but subject to a narrower set of driver regulations) regards 15-passenger vans. The relatively easier 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.

¹⁴ 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.

Type III Vehicles

Regulations related to driving type III vehicles without a commercial license are similar to those for type A-I school bus drivers.¹⁵ The type III vehicle 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;¹⁶
- if the person is hired solely to transport students in type III vehicles:
 - the driver must undergo a physical examination,
 - the employer has to have a mandatory drug testing program for job applicants (i.e., pre-employment testing), and
 - the driver must comply with a testing program (that the employer may optionally establish);
- the driver has not been recently convicted of various traffic 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, and
 - immediately following notice received by the driver of a loss of driving privilege (such as license suspension, cancellation, or revocation);
- 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, page 13).
[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 (p). (The exceptions are aimed particularly at teachers and other school staff who are employed mainly for other purposes but provide pupil transportation on occasion.)

¹⁵ 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.

¹⁶ 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.

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 the highlights of legislative changes in recent years that impact pupil transportation, particularly with regard to type III vehicle regulations, child restraint systems, seat belts, and school bus equipment standards.

2017

School bus standards. The 2017 Legislature amended aspects of statutory school bus body standards, including those related to floor covering, insulation, windows, surveillance systems, and procedures to provide certification to the Department of Public Safety. [Laws 2017, 1st spec. sess., ch. 3](#), art. 3, §§ 58-64. It also modified Minnesota's incorporation of nationally developed specification standards on school bus body and chassis design and specially equipped school buses. Under the change, the latest edition of the standards produced in 2015 by the National Congress on School Transportation will be used in the state, starting with buses manufactured after August 1, 2017.

Minnesota will also conform to each subsequent revision of the standards, starting August 1 of the year following a year in which revised standards are adopted by the nationwide group. (This has the effect of keeping Minnesota in ongoing national alignment but with delay during which a law could potentially be enacted to change state adoption.) Historically, the standards have been revised every five years.

Other changes. Legislation in 2017 also modified some aspects of school bus traffic regulations. This included:

- setting a minimum \$500 fine (increased from \$300) for failure to stop for a school bus that has activated its stop arm and flashing red lights system, as well as for passing a school bus on the right when its warning light system is activated;
- modifying the conditions for school bus loading and unloading of students in a right-turn lane (along with a corresponding authorization of agency rulemaking to conform applicable rules with this statutory change);
- clarifying that buses can stop in bicycle lanes to load and unload students;
- loosening requirements on mounting location and use of white strobe lamps on school buses; and
- expanding type III vehicle operator requirements to require employer notification immediately following driver notice of a loss of driving privilege. [Laws 2017, 1st spec. sess., ch. 3](#), art. 3, §§ 50, 54-56, 65, 73, 129.

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](#).

Other 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
- clarifying mandatory use of a seatbelt by a school bus driver. [Laws 2013, ch. 127](#), §§ 27, 38-40.

2012

Child restraints. The 2012 Legislature eliminated an exception from mandated use of child restraints for some lighter school buses. Following the change, child restraints have become 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 nationwide 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](#).

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. A 2009 law expanding required use of child restraints was modified. The 2010 change exempted additional vehicles from the child restraint mandate; the vehicles 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”).¹⁷ [Laws 2010, ch. 356](#), § 2.

As discussed previously, type III vehicles primarily consist of passenger automobiles (like minivans and SUVs) but the category can include a vehicle that is commonly seen 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.

2009

Type III vehicles. In 2009, the legislature modified regulations specific to drivers of type III vehicles, which had first been created in 2008. [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.

¹⁷ 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.

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. It has been referred to as the “primary seat belt” law, although making seat belt violations a primary offense was one of several changes made. 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.

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