

SCHOOL BUSES: FREQUENTLY ASKED QUESTIONS

▪ What is a school bus?

- For the purposes of NHTSA's school bus regulations, a school bus is a "bus" that is sold or introduced into interstate commerce for purposes that include carrying students to and from school or related events. A bus is a motor vehicle that has capacity of 11 persons or more (including the driver). This definition can include vans, but does not include buses operated as common carriers in urban transportation.

The [National Traffic and Motor Vehicle Safety Act](#) (Safety Act) requires any person selling or leasing a new school bus to sell or lease a bus that meets all Federal motor vehicle safety standards (FMVSSs) applicable to school buses.

In addition to NHTSA's Federal definition of school bus, a State or school district may have a definition for school bus that differs from NHTSA's definition, but that would not affect NHTSA's requirements. The State definition determines which vehicles are subject to the State operational requirements for school buses. The definition for NHTSA's school bus regulations, which determines whether a new bus sold or leased for pupil transportation must be certified as meeting Federal school bus standards, is unaffected by State definitions.

▪ What is a multifunction school activity bus?

- Under NHTSA's regulations, a multifunction school activity bus (MFSAB) is defined as "a school bus whose purposes do not include transporting students to and from home or school bus stops." An MFSAB must meet all FMVSSs applicable to school buses except those requiring the installation of traffic control devices (flashing lights and stop arms). If a new school bus will not be used to transport students to and from home or school bus stops, an MFSAB may be sold. If a new school bus will be used to transport students between school and home, or between school and school bus stops, an MFSAB must not be sold.

▪ What is a school, for the purposes of NHTSA's school bus regulations?

- The Safety Act defines a school bus as a bus that is likely to be used significantly to transport preprimary, primary, or secondary students to or from school or related events. Based on this definition, NHTSA considers any preprimary, primary, or secondary school a "school" for purposes of NHTSA's school bus regulations.

NHTSA interprets "school" in the context of its regulations not to include daycares, childcare centers, or preschools, including Head Start Programs. NHTSA does not regulate, under our school bus regulations, the types of vehicles that may be sold for the purpose of transporting children to and from these facilities.

In addition, organizations providing religious instruction, such as Sunday school, are not considered "schools" under NHTSA's school bus regulations. Athletic teams that have no connection with a school are also not considered schools.

▪ **What is a school-related event, for the purposes of NHTSA’s school bus regulations?**

- A school-related event is any activity sponsored by a school, whether on or off school grounds. These may include, but are not limited to, sports events, band concerts, field trips, and competitions such as debate or chess tournaments. Athletic teams that have no connection with a school are also not considered schools.

▪ **Does NHTSA consider a private school a “school” for the purposes of its school bus regulations?**

- Yes. The definition of “school” in the context of NHTSA’s school bus regulations does not differentiate between private and public schools. Schools include all preprimary, primary and secondary schools, including private and parochial schools.

▪ **Does NHTSA consider a college or university a “school” for the purposes of its school bus regulations?**

- No. The school bus requirements do not apply to the transportation of post-secondary school students such as college students, adult education participants, or post-high school vocational students.

▪ **Does NHTSA consider a daycare, childcare center, or preschool a “school” for the purposes of its school bus regulations?**

- No. NHTSA interprets “school” not to include daycares, childcare centers, or preschools, including Head Start programs. NHTSA does not regulate, under our school bus regulations, the types of vehicles that may be sold for the purpose of transporting children to and from these facilities.

While NHTSA does not regulate the types of vehicles that may be sold for transporting children to Head Start programs, Head Start has regulations regarding vehicle use for its programs. Head Start programs should consult with the Office of Head Start if they have questions regarding compliance with those requirements.

▪ **When are you required to use a school bus?**

- Federal law regulates the manufacture and sale of new vehicles, but does not regulate vehicle use. Each State has the authority to determine how school children must be transported. State law should be consulted for determining use requirements.

Liability for using a non-complying bus to transport students is a matter addressed by State law. Schools, school districts, and other student transportation providers should consult their attorneys or insurance carriers regarding liability concerns.

While NHTSA does not regulate vehicle use, NHTSA has issued [recommendations for States on various operational aspects of school bus and pupil transportation safety programs](#). Highway Safety Program Guideline No. 17, Pupil Transportation Safety, recommends that school children be transported to and from school and related events in school buses. Each State decides to what extent it will follow Guideline No. 17.

- **Do NHTSA’s school bus regulations apply to sales of new vehicles to entities that are not schools, but that provide student transportation to or from school or related events?**

- Basically, the answer is yes. Under NHTSA’s school bus regulations, entities selling a new bus that is likely to be used significantly to transport students to preprimary, primary, or secondary school must sell a new “school bus.” The entity purchasing the bus, which will be providing the transportation, is not relevant for determining whether a school bus must be sold. The determining factor is whether the bus will likely be used significantly for pupil transportation to or from school or related events.

For example, if a church group purchases a new bus, and one of the purposes for purchasing the bus is to provide student transportation to school-related sporting events on multiple evenings in the school week, the person selling the new bus must sell it as a school bus. This is because the new bus was sold for purposes that include carrying students to and from school or related events. The same is true of day care providers who also provide transportation to or from school. NHTSA’s school bus regulations are also applicable to school transportation contractors who are purchasing new buses.

- **May schools purchase or lease new 15-passenger vans?**

- The Safety Act prohibits a school or school system from purchasing or leasing a new 15-passenger van if it will be used significantly by or on behalf of the school or school system to transport preprimary, primary, or secondary school students to or from school or related events, unless the van complies with FMVSSs prescribed for school buses or MFSABs. A school in violation of this requirement may be subject to substantial civil penalties under the Safety Act.

- **May 15-passenger vans be used to transport students to or from school or school-related events?**

- Federal law regulates the manufacture and sale of new vehicles, but does not regulate vehicle use. Each State has the authority to determine how school children must be transported. State law should be consulted for determining use requirements.

NHTSA’s school bus regulations require that if a new bus is sold and is likely to be used significantly to transport students to preprimary, primary, or secondary school, a “school bus” must be sold. However, NHTSA’s school bus regulations do not prohibit the use of 15-passenger vans for such transport, or the sale of used 15-passenger vans intended for such transport. If you choose to use a 15-passenger van, consult [NHTSA’s safety recommendations when operating a 15-passenger van](#).

Because [school buses are one of the safest forms of transportation](#) in this country, NHTSA strongly recommends all buses used to transport school children are certified as meeting NHTSA’s school bus safety standards.

- **How do NHTSA’s school bus regulations apply to vehicle dealers?**

- NHTSA’s school bus regulations require that if a new bus that is likely to be used significantly to transport preprimary, primary, or secondary school students to or from

school or school-related events, is sold, it must be certified to the Federal school bus safety standards. Persons selling or leasing a new school bus must sell or lease a bus meeting the Federal school bus safety standards.

If a dealer sells or leases a vehicle that does not meet the Federal school bus safety standards, and the dealer knows or has reason to know that the bus was to be used significantly to transport students, the dealer may be subject to substantial civil penalties under the Safety Act.

Many entities in addition to schools provide school transportation, including child care centers, religious groups, community groups, and school transportation contractors. As a result, we advise dealers, prior to sale, to inquire whether buses purchased by these groups, or other entities who the seller believes may be purchasing the vehicle for pupil transportation, will be used significantly to transport students. NHTSA encourages dealers to obtain written confirmation from the purchaser that the vehicle will not be used in this manner for their records.

- **Does Federal law require school buses to be yellow?**
- No. State and local governments establish policy for student transportation, including how school buses should be identified. However, NHTSA provides recommendations to the States on operational aspects of school bus and pupil transportation safety programs in the form of [Highway Safety Program Guideline No. 17, Pupil Transportation Safety](#). Among other matters, Guideline 17 recommends that school buses be painted “National School Bus Glossy Yellow” and have other uniform identifying characteristics. The uniformity of school bus appearance helps motorists identify the vehicles as school buses.