

USE OF 10 + PASSENGER VANS TO TRANSPORT CHILDREN TO AND FROM SCHOOLS

Any programs that provide transportation for children to or from school may not use passenger vans designed to carry more than ten people (typically these are 15-passenger vans). Programs that already have these larger vans may continue to use them to transport children provided there are no more than ten people in the van including the driver. In addition, programs may not be able to purchase new passenger vans designed to carry more than 10 people for transporting children to and from school. Programs that violate the law and choose to transport children to or from school in vans carrying more than ten people including the driver are subject to a traffic citation of at least \$143.80.

The National Highway Traffic Safety Administration (NHTSA) is responsible for enforcing the law that prohibits automobile dealers from selling certain vehicles designed to carry more than ten people to schools or other programs that transport school children. The law also prohibits schools and other programs from using these large passenger vans to transport students.

Background

For a number of years, the law was interpreted federally to apply only to school districts. Other programs that provided transportation to and from schools were able to purchase large passenger vans. In the early 1990's, NHSTA changed the interpretation of the law and decided that all programs that transport children to or from school or school-related events do, in fact, fall under the law. With this interpretation, automobile dealers are, in effect, prohibited from selling new large passenger vans to any agency if the program will use the van to transport children to and from a public or private school (and dealers face a \$10,000 penalty if they do so). Programs that transport children to and from school are prohibited from using large passenger vans if the van carries more than ten people including the driver.

The Wisconsin State Patrol (and possibly other law enforcement agencies as well) may issue traffic citations to programs that transport children to and from schools in vehicles that carry more than ten people including the driver. These citations are for using a vehicle that does not meet the definition of a school bus under s. 340.01(56), Wis. Stats., or does not qualify as an "alternative vehicle" under s. 121.555, Wis. Stats.

Other Options

There are other options that programs can choose if they want to offer transportation to and from schools.

- Purchase school buses.
- Use smaller vehicles (i.e. mini-vans or cars).
- Carry no more than ten people including the driver in a van that has the capacity to carry more passengers.
- Arrange for the school system's buses to pick up and drop off children at the program.

Programs may also want to consider discontinuing the school transportation service.

Transporting Children on Field Trips

Programs are not prohibited from using larger 10+ passenger vans filled to capacity for activities such as field trips for children enrolled in the program. However, the State Patrol recommends that only smaller vehicles or school buses be used because the larger vans (when filled to capacity) pose a significant risk of a roll-over accident.

The National Highway Traffic Safety Administration has determined that school buses are much safer for children than are large vans. Therefore, programs that transport children may be faced with liability concerns that were not an issue in the past if the program continues to use large vans for the transportation of any children. Should a vehicle used to transport children be involved in an accident, attorneys representing children or adults in the accident may cite the safety statistics.

The Department of Children and Families (DCF) is an equal opportunity employer and service provider. If you have a disability and need to access this information in an alternate format, or need it translated to another language, contact the Bureau of Early Care Regulation at dcfclireg@wisconsin.gov, 608-421-7550 (general), or the Wisconsin Relay Service (WRS) 711. For civil rights questions call 608-422-6889 (general) or the Wisconsin Relay Service (WRS) 711.