U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

NOV 17 2005

Charlie Gauthier
Executive Director
National Association of State Directors of Pupil
Transportation Services
6928 Rock Hill Road
The Plains, Virginia 20198-1916

Dear Mr. Gauthier:

On August 10, 2005, President Bush signed into law the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU), Pub. Law 109-59. I am writing to convey to you some important information concerning provisions in the Act related to the purchase and use of 15-passenger vans.

The National Traffic and Motor Vehicle Safety Act, as amended, has long prohibited motor vehicle dealers and others from selling or leasing school buses that do not comply with all applicable federal motor vehicle safety standards. Under NHTSA's regulations, a bus is defined as a motor vehicle "designed for carrying more than 10 persons," including 15-passenger vans. A school bus is defined as "a bus that is sold, or introduced into interstate commerce, for purposes that include carrying students to and from school or related events, but does not include a bus designed and sold for operation as a common carrier in urban transportation." The vehicle type is stated on the certification label that is typically affixed to the driver's door or door jam.

A section of the Standards and Compliance chapter of the Motor Vehicle Safety Act prohibits the sale or lease of a non-complying school bus and persons violating this prohibition are subject to substantial civil penalties. SAFETEA-LU (Section 10309) amends this section of the Safety Act to prohibit schools or school systems 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 an event related to school, unless the 15-passenger van complies with the motor vehicle standards prescribed for school buses and multifunction school activity buses..." NHTSA's definition of multifunction school activity bus, an additional vehicle type (see paragraph above), states that the term "means a school bus whose purposes do not include transporting students to and from home or school bus stops." The term 15-passenger van is defined in Section 10309 as "a vehicle that seats 10 to 14 passengers, not including the driver." This provision does not apply to purchases or leases under contracts executed prior to August 10, 2005.

You also should be aware that Section 10309 of SAFETEA-LU amends the Safety Act's civil penalty provisions for violations by dealers and others related to school buses and adds civil penalties for violations of the new prohibition on 15-passenger vans. Under the new law, a single violation carries a civil penalty of up to $10,000, and the maximum civil penalty for a related series of violations is $15,000,000.

You can find the full text of these provisions under House Bills, H.R. 3 [PL 109-59, Title X, Section 10309 (pp. 800-801)] at http://thomas.loc.gov/bss/d109/d109laws.html. If you have any questions concerning these provisions, please contact James Jones, Office of Vehicle Safety Compliance (NVS-224), National Highway Traffic Safety Administration, 400 7th Street SW, Washington, DC. Phone: (202) 366-5294 and FAX: (202) 366-3081.

Sincerely yours,

Ronald L. Medford

Ronald L. Medford
Senior Associate Administrator
for Vehicle Safety