

**House File 136 - Introduced**

HOUSE FILE 136

BY BERGAN

**A BILL FOR**

1 An Act relating to passenger automobiles designed to carry ten  
2 or fewer pupils when used as school buses.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.1, subsection 69, paragraph d, Code  
2 2019, is amended to read as follows:

3 d. Designed to carry not more than ~~nine~~ ten persons as  
4 passengers, not including the driver, either school owned  
5 or privately owned, which are used to transport pupils to  
6 activity events in which the pupils are participants or used  
7 to transport pupils to their homes in case of illness or  
8 other emergency situations. The vehicles operated under the  
9 provisions of this paragraph shall be operated by employees of  
10 the school district who are specifically approved by the local  
11 superintendent of schools for the assignment.

12 Sec. 2. Section 321.373, subsection 3, Code 2019, is amended  
13 to read as follows:

14 3. The rules prescribed for school buses shall include  
15 special rules for passenger automobiles, and other vehicles  
16 designed to carry ~~eight~~ ten or fewer pupils, when used as  
17 school buses.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with  
20 the explanation's substance by the members of the general assembly.

21 CURRENT IOWA LAW. Under current law, motor vehicles  
22 designed to carry not more than nine persons as passengers,  
23 either school owned or privately owned, are excluded from the  
24 definition of "school bus" under Code section 321.1, thereby  
25 excluding such vehicles from the duties and requirements  
26 relating to school buses set forth in Code chapter 321  
27 (motor vehicles and law of the road). To qualify under the  
28 exclusion, a vehicle must be used to transport pupils to  
29 activity events in which the pupils are participants or used  
30 to transport pupils to their homes in case of illness or other  
31 emergency situations, and must be operated by an employee of  
32 the school district who is specifically approved by the local  
33 superintendent of schools for the assignment.

34 Administrative rules of the department of education regulate  
35 type III vehicles used as school buses. Under 281 IAC 44.2(5),

1 type III vehicles are not regular school buses but are used  
2 to transport students in a school-related context and may  
3 be marked as a school bus. A type III vehicle is a van or  
4 passenger car, including a minivan, sport utility vehicle, or  
5 station wagon. The difference between a family automobile and  
6 an equivalent type III vehicle is not the vehicle itself, but  
7 rather its use, as type III vehicles are used by schools for  
8 purposes of student transportation. To qualify as a type III  
9 vehicle, the vehicle must carry a maximum of nine or fewer  
10 people, including the driver, and weigh 10,000 pounds or less.

11 CURRENT FEDERAL LAW. School buses are subject to a variety  
12 of federal motor vehicle safety standards. Under federal law,  
13 a school bus is a passenger motor vehicle designed to carry a  
14 driver and more than 10 passengers that is used significantly  
15 to transport students to or from school or an event related to  
16 school.

17 TRANSPORTATION OF 10 OR FEWER PUPILS. This bill excludes  
18 from the definition of "school bus" under Code section 321.1  
19 motor vehicles designed to carry not more than 10 persons as  
20 passengers, not including the driver. The bill requires the  
21 administrative rules to allow passenger automobiles designed to  
22 carry 10 or fewer pupils to be used as school buses.