

**House File 343 - Introduced**

HOUSE FILE 343

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 39)

**A BILL FOR**

1 An Act allowing certain vans and pickups to be used to  
2 transport pupils to activity events or from school to home  
3 in emergency situations, and making penalties applicable.  
4 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~~ New or used motor vehicles designed to carry  
4 not more than nine persons as passengers, including the driver,  
5 or used passenger vans designed to carry not more than twelve  
6 persons as passengers, including the driver, either school  
7 owned or privately owned, which are used to transport pupils  
8 to activity events in which the pupils are participants or  
9 used to transport pupils to their homes in case of illness or  
10 other emergency situations. The vehicles operated under the  
11 provisions of this paragraph shall be operated by employees of  
12 the school district who are specifically approved by the local  
13 superintendent of schools for the assignment.

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

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

20 b. The rules shall allow pickups designed to carry nine  
21 passengers or less, including the driver, and weighing ten  
22 thousand pounds or less, to be used as school buses if the  
23 pickup does not carry more passengers than there are safety  
24 belts or safety harnesses in the pickup as installed by the  
25 manufacturer and if the pickup is not operated while any  
26 passenger is present in the bed of the pickup. The operator  
27 of the pickup shall comply with the qualification, licensing,  
28 and instruction requirements set forth in sections 321.375 and  
29 321.376, other than the requirement to obtain a commercial  
30 driver's license.

31 c. The rules shall allow used passenger vans designed to  
32 carry twelve or fewer passengers, including the driver, and  
33 weighing ten thousand pounds or less, to be used as school  
34 buses if the van does not carry more passengers than there are  
35 safety belts or safety harnesses in the van as installed by

1 the manufacturer. The operator of the van shall comply with  
 2 the qualification, licensing, and instruction requirements set  
 3 forth in sections 321.375 and 321.376.

4 d. A pickup or passenger van operated pursuant to rules  
 5 described in paragraph "b" or "c" is subject to the limitations  
 6 set forth in section 321.1, subsection 69, paragraph "d". The  
 7 pickup or passenger van shall have a notice conspicuously  
 8 posted in the vehicle describing the requirements and  
 9 limitations applicable to the vehicle under this subsection and  
 10 rules adopted pursuant to this subsection. Prior to the use of  
 11 such pickups or vans as school buses by a school district, the  
 12 board of directors of the school district shall adopt a policy  
 13 authorizing the use of the pickups or vans, as applicable.

14 EXPLANATION

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

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

30 Administrative rules of the department of education regulate  
 31 type III vehicles used as school buses. Under 281 IAC 44.2(5),  
 32 type III vehicles are not regular school buses but are used  
 33 to transport students in a school-related context and may  
 34 be marked as a school bus. A type III vehicle is a van or  
 35 passenger car, including a minivan, sport utility vehicle, or

1 station wagon. The difference between a family automobile and  
2 an equivalent type III vehicle is not the vehicle itself, but  
3 rather its use, as type III vehicles are used by schools for  
4 purposes of student transportation. To qualify as a type III  
5 vehicle, the vehicle must carry a maximum of nine or fewer  
6 people, including the driver, and weigh 10,000 pounds or less.  
7 Under 281 IAC 44.5(1), vehicles classified as pickups are not  
8 allowed to be used for student transportation. All type III  
9 vehicles are prohibited from carrying more passengers than  
10 there are seat belts as installed by the manufacturer (281  
11 IAC 44.5(1)(d)). In addition, trailer hitches are allowed on  
12 type III vehicles in accordance with the manufacturer's rated  
13 towing capacity, but students are not allowed to be transported  
14 in the vehicle when the vehicle is being used to tow (281 IAC  
15 44.5(2)(j)).

16 Any person who operates or allows the operation of any  
17 vehicle as a school bus which does not comply with the  
18 requirements provided by law or by the rules and regulations of  
19 the department of education, or for which there is not a valid  
20 temporary certificate for operation, is guilty of a simple  
21 misdemeanor (Code section 285.14). The department of education  
22 is required to review all transportation arrangements when  
23 deemed necessary, to disapprove any arrangements that are not  
24 in conformity with the law and established standards, and to  
25 require the arrangements to be altered or changed so that they  
26 do conform with the law and established standards (Code section  
27 285.8).

28 CURRENT FEDERAL LAW. 49 U.S.C. §30112(a)(1) prohibits the  
29 manufacture, sale, or import of a motor vehicle that does not  
30 comply with applicable motor vehicle safety standards if the  
31 vehicle was manufactured on or after the date an applicable  
32 safety standard took effect. The provision does not apply  
33 after the first purchase of the motor vehicle in good faith  
34 other than for resale. Therefore, the provision prohibits the  
35 sale of a new motor vehicle for use as a school bus if the motor

1 vehicle does not meet applicable federal safety standards for  
2 school buses. Under federal law, a school bus is a passenger  
3 motor vehicle designed to carry a driver and more than 10  
4 passengers that is used significantly to transport students to  
5 or from school or an event related to school.

6 PICKUPS. This bill requires the administrative rules to  
7 allow pickups designed to carry nine passengers or less,  
8 including the driver, and weighing 10,000 pounds or less, to  
9 be used as school buses. Under Code section 321.1, a "pickup"  
10 is any motor vehicle designed to carry merchandise or freight  
11 of any kind, not to exceed 2,000 pounds. The bill prohibits  
12 the pickup from carrying more passengers than there are safety  
13 belts or safety harnesses in the pickup as installed by the  
14 manufacturer, and from operating while any passenger is present  
15 in the bed of the pickup. The operator of the pickup must  
16 comply with the qualification, licensing, and instruction  
17 requirements set forth in Code sections 321.375 (school bus  
18 drivers, qualifications, and grounds for suspension) and  
19 321.376 (license, authorization, and instruction requirement),  
20 other than the requirement to obtain a commercial driver's  
21 license.

22 PASSENGER VANS. The bill excludes from the definition  
23 of "school bus" under Code section 321.1 used passenger vans  
24 designed to carry not more than 12 persons as passengers,  
25 including the driver. The bill requires the administrative  
26 rules to allow used passenger vans designed to carry 12 or  
27 fewer passengers, including the driver, and weighing 10,000  
28 pounds or less, to be used as school buses if the van does  
29 not carry more passengers than there are safety belts or  
30 safety harnesses in the van as installed by the manufacturer.  
31 The operator of the van must comply with the qualification,  
32 licensing, and instruction requirements set forth in Code  
33 sections 321.375 and 321.376.

34 LIMITATIONS AND REQUIREMENTS. The bill specifies that  
35 pickups and passenger vans operated as school buses under the

1 administrative rules described in the bill are subject to the  
2 limitations set forth under the provision of Code section 321.1  
3 that excludes such vehicles from the definition of "school  
4 bus", namely that such vehicles must be used to transport  
5 pupils to activity events in which the pupils are participants  
6 or used to transport pupils to their homes in case of illness  
7 or other emergency situations, and must be operated by an  
8 employee of the school district who is specifically approved by  
9 the local superintendent of schools for the assignment.

10 The bill requires a pickup or passenger van used as a  
11 school bus to have a notice conspicuously posted in the  
12 vehicle describing the requirements and limitations applicable  
13 to the vehicle under the bill. Prior to the use of such  
14 pickups or vans as school buses by a school district, the  
15 board of directors of the school district must adopt a policy  
16 authorizing the use of the pickups or vans.

17 Under Code section 321.482, it is a simple misdemeanor  
18 for a person to do an act forbidden or to fail to perform an  
19 act required by Code chapter 321. A simple misdemeanor is  
20 punishable by confinement for no more than 30 days or a fine of  
21 at least \$65 but not more than \$625 or by both.