

Senate File 58 - Introduced

SENATE FILE 58
BY SHIPLEY

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.

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. However, the rules shall allow the board of
31 directors of a school district to prohibit the use of pickups
32 as school buses by the school district.

33 c. The rules shall allow used passenger vans designed to
34 carry twelve or fewer passengers, including the driver, and
35 weighing ten thousand pounds or less, to be used as school

1 buses if the van does not carry more passengers than there are
2 safety belts or safety harnesses in the van as installed by
3 the manufacturer. The operator of the van shall comply with
4 the qualification, licensing, and instruction requirements set
5 forth in sections 321.375 and 321.376.

6 d. A pickup or passenger van operated pursuant to rules
7 described in paragraph "b" or "c" is subject to the limitations
8 set forth in section 321.1, subsection 69, paragraph "d".

9 EXPLANATION

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

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

25 Administrative rules of the department of education regulate
26 type III vehicles used as school buses. Under 281 IAC 44.2(5),
27 type III vehicles are not regular school buses but are used
28 to transport students in a school-related context and may
29 be marked as a school bus. A type III vehicle is a van or
30 passenger car, including a minivan, sport utility vehicle, or
31 station wagon. The difference between a family automobile and
32 an equivalent type III vehicle is not the vehicle itself, but
33 rather its use, as type III vehicles are used by schools for
34 purposes of student transportation. To qualify as a type III
35 vehicle, the vehicle must carry a maximum of nine or fewer

1 people, including the driver, and weigh 10,000 pounds or less.
2 Under 281 IAC 44.5(1), vehicles classified as pickups are not
3 allowed to be used for student transportation. All type III
4 vehicles are prohibited from carrying more passengers than
5 there are seat belts as installed by the manufacturer (281
6 IAC 44.5(1)(d)). In addition, trailer hitches are allowed on
7 type III vehicles in accordance with the manufacturer's rated
8 towing capacity, but students are not allowed to be transported
9 in the vehicle when the vehicle is being used to tow (281 IAC
10 44.5(2)(j)).

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

23 CURRENT FEDERAL LAW. 49 U.S.C. §30112(a)(1) prohibits the
24 manufacture, sale, or import of a motor vehicle that does not
25 comply with applicable motor vehicle safety standards if the
26 vehicle was manufactured on or after the date an applicable
27 safety standard took effect. The provision does not apply
28 after the first purchase of the motor vehicle in good faith
29 other than for resale. Therefore, the provision prohibits the
30 sale of a new motor vehicle for use as a school bus if the motor
31 vehicle does not meet applicable federal safety standards for
32 school buses. Under federal law, a school bus is a passenger
33 motor vehicle designed to carry a driver and more than 10
34 passengers that is used significantly to transport students to
35 or from school or an event related to school.

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

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

31 LIMITATION. The bill specifies that pickups and passenger
32 vans operated as school buses under the administrative rules
33 described in the bill are subject to the limitations set forth
34 under the provision of Code section 321.1 that excludes such
35 vehicles from the definition of "school bus", namely that

1 such vehicles must be used to transport pupils to activity
2 events in which the pupils are participants or used to
3 transport pupils to their homes in case of illness or other
4 emergency situations, and must be operated by an employee of
5 the school district who is specifically approved by the local
6 superintendent of schools for the assignment.