

School Bus Exemption

From Iowa's Occupant Restraint Laws

Iowa Code section 321.1(69)

69. "School bus" means every vehicle operated for the transportation of children to or from school, except vehicles which are:

- a. Privately owned and not operated for compensation;
- b. Used exclusively in the transportation of the children in the immediate family of the driver;
- c. Operated by a municipally or privately owned urban transit company or a regional transit system as defined in section 324A.1 for the transportation of children as part of or in addition to their regularly scheduled service; or
- d. Designed to carry not more than nine persons as passengers, either school owned or privately owned, which are used to transport pupils to activity events in which the pupils are participants or used to transport pupils to their homes in case of illness or other emergency situations. The vehicles operated under the provisions of this paragraph shall be operated by employees of the school district who are specifically approved by the local superintendent of schools for the assignment.

Your vehicle may be considered a school bus, BUT, that does not necessarily make you exempt from utilizing appropriate child safety seats or seat belts.

The "school bus" exemption is determined by whether the vehicle is a "school bus" rather than by who owns it or operates it. In the case of a business such as day care centers, if the day care is receiving compensation for providing the vehicle being used to transport the children to and from school, it then is considered a "school bus". However, if the day care is not being compensated for that particular use of the vehicle, then it falls under 321.1(69)(a) above, and is not considered a school bus.

In the case of field trips, regardless of whether the business is being compensated, the vehicle would fall under 321.1(69)(d) above, and not be considered a school bus because it's not being used for home to school transportation.

This is also true of school-owned vehicles. As an example---type or multipurpose 9-passenger or less vehicle, such as a school van, is used to take the cheerleaders to a football game. That van, even though it may be used the next morning in a home to school route situation (marked and equipped for school bus use as outlined in IAC Chapter 44) and will then be considered a "school bus", is not a "school bus" when being used for an activity such as this. Basically, those vehicles are only considered a "school bus" when being used for home to school or school to home transportation. Anything else and they are not "school buses".

If a family-type or multipurpose 9-passenger or less vehicle is being used to transport children to and from school, it's considered a "school bus", **BUT, IS NOT** exempt because FEDERAL motor vehicle safety rules and law do not exempt that size of vehicle from seat belt/child restraint laws. So, even though the vehicle is being used as a "school bus", it is not exempt, and still has to follow the law with the children on it being properly belted.

In the case of a small YELLOW bus that has compartmentalization and meets all federal standards for school buses, regardless of who owns it and uses it, whether it's being used for to and from school or an activity, it **will be exempt**. Bear in mind that the vehicle must remain painted national school bus yellow and black, as that is one of the federal standards. Daycares and pre-schools are allowed to paint their vehicles a different color than yellow, but if they do, they then lose the exemption because they no longer meet the federal standards (color) for school buses.) So yes, pre-schools and daycares may operate school buses that meet **ALL** federal standards without belts and harnesses, however, the Iowa Department of Education does recommend that any child under 5 should be restrained. It's not required, but it is a recommendation.

Headstarts may not! Headstart is a federal organization and is governed by federal laws, one of which just went into effect last Monday, June 21st. That law, 1310.11, states that all Headstart vehicles must be equipped with height and weight appropriate child safety restraint systems and must also have at least one monitor on board the bus as well.

Reference the standards for school buses by following this link and click on "School Buses (281-44)" <http://www.state.ia.us/educate/ecese/asis/trans/legis.html>. These are the rules for the minimum standards for a school bus in the State of Iowa.