

Schools Now Subject to Federal Fines for Buying or Leasing Nonconforming Vans

Federal and state requirements regulate vehicles that are used to transport students to or from school or on school related events and that carry 11 or more persons including the driver. These vehicles must conform with federal and state requirements on design and construction for school buses. In addition, the Minnesota State Patrol must inspect any vehicle used to transport students.

A 15-passenger van does not comply with federal and state requirements on design and construction and, therefore, cannot be used to transport students in Minnesota. The federal government defines a 15-passenger van as a vehicle that seats 10 to 14 passengers not including the driver.

In the past, the federal government could impose civil penalties on dealerships that would sell or lease the 15-passenger vans to schools. Effective August 10, 2005, the federal government extended the penalties to the buyer or lessee of these vehicles. A single violation carries a civil penalty of up to \$10,000 and the civil penalty for a series of related violations is up to \$15,000,000.

School districts should take steps now to ensure that no employee transports students in vehicles that do not comply with federal and state regulations. In addition to the civil penalties, districts may be assigned a greater level of liability if a lawsuit results from a district employee transporting students in an "illegal" vehicle.