

The Vermont Statutes Online
Title 23: Motor Vehicles
Chapter 1: GENERAL PROVISIONS

§ 4. Definitions

Except as may be otherwise provided herein, and unless the context otherwise requires in statutes relating to motor vehicles and enforcement of the law regulating vehicles, as provided in this title and part 5 of Title 20, the following definitions shall apply:

(34)(A) "School bus" means any motor vehicle used to transport children to or from school or in connection with school activities, except:

(i) buses operated by common carriers who incidentally accept school children as passengers; *(e.g. – city bus)*

(ii) private motor vehicles used to carry members of the owner's household. For the purposes of this section, private motor vehicle means a vehicle neither owned nor leased by a public school or an approved independent school; *(i.e. family members can drive other family members to school- additionally this allows a parent of a special needs child to receive compensation for transporting the child)*

(iii) private motor vehicles used to transport children without compensation. For the purposes of this section, compensation means payment in any form except reimbursement for mileage or the normal salary paid to a person otherwise employed by the school; *(while this appears to address school employees transporting students in their own personal vehicles who are not receiving additional compensation, it has been more widely interpreted to mean private vehicles, not owned or operated by a school, who transport children to and/or from school and receive no additional compensation.*

(iv) motor vehicles with a manufacturer's rated seating capacity of fewer than 11 persons, *(10 occupants)* including the operator, which are owned, leased, or hired by a school, or for which services are reimbursed by a school. However, if used to transport students, these shall be considered a Type II school bus for purposes of licensure, shall display an identification sign as prescribed in subdivision 1283(a)(1) of this title, and shall be equipped with a simple system of at least two red alternating warning lights; unless the driver is a school employee or a volunteer subject to a criminal background check and is transporting no more than five persons excluding the operator; *(six occupants)* provided that the vehicle has safety belts for all persons being transported: *(The vehicles described above, owned, leased, or hired by a school and used to transport students must have a school bus sign and simple light system and must be driven by an individual who holds a Type II school bus endorsement. This includes taxis. It also includes small vans owned, leased or hired by the school, or for which services are reimbursed by the school. However, if the driver is a school employee or volunteer and is transporting five individuals (plus the driver) in one of the vehicles described above the driver is not required to hold a Type II school bus endorsement and the vehicle need not have a school bus sign and simple light system.*

(v) motor coaches provided with a driver to a school on a single-trip or multi-trip contract basis to provide transportation to or from, or to and from, athletic or other special events. A motor coach is a vehicle at least 35 feet in length with a manufacturer's rated seating capacity of more than 30 passengers and is designed for long distance transportation of passengers, characterized by integral construction with an elevated passenger deck located over a baggage compartment. Pursuant to 16 V.S.A. § 255, a superintendent or headmaster shall request criminal record information for a driver of a motor coach if the driver may be in unsupervised contact with schoolchildren; *(while motor coaches can be used for student transportation to and or from athletic and other special events, a criminal record check is required if the driver may be in unsupervised contact with schoolchildren)*

(vi) multifunction school activity buses, as defined in section 1287 of this title, provided with a driver to a school on a single-trip or multi-trip contract basis to provide transportation to or from, or to and from, athletic or other special events. Pursuant to 16 V.S.A. § 255, a superintendent or headmaster shall request criminal record

information for a driver of a multifunction school activity bus if the driver may be in unsupervised contact with schoolchildren; *(while a MFSAB can be used for student transportation to and or from athletic and other special events, a criminal record check is required if the driver may be in unsupervised contact with schoolchildren)*

Note: A Multifunction School Activity Bus can be identified by a mylar sticker, which is attached to the vehicle by the manufacturer, stating the vehicle is a Multifunction School Activity Bus or a MFSAB. This sticker can usually be found on the doorpost or above the windshield in front of the driver's seat.

(vii) other multifunction school activity buses as defined in section 1287 of this title. *(MFSAB can be used for trips only – cannot be used school to home or home to school)*

(B) "Type I school bus" means a school bus with a manufacturer's rated seating capacity of more than 15 passengers, including the operator. *(16 occupants or more)*

(C) "Type II school bus" means a school bus with a manufacturer's rated seating capacity of more than 10 and fewer than 16 passengers, including the operator *(11 – 15 occupants)*

§ 1283. Identification and equipment of school buses

(a) Types I and II school buses shall be:

(1) identified with the words, "School Bus," printed in letters not less than eight inches high, located between the warning signal lamps as high as possible without impairing visibility of the lettering from both front and rear;

(2) painted national school bus glossy yellow, except that the hood shall be either that color or lusterless black and the fenders shall be either that color or black. For Type II school buses, the requirements of this subsection and subdivision (a)(3) of this section shall apply to any new bus ordered on or after January 1, 2000; *(Any Type II school bus manufactured on or after January 1, 2000 must be painted school bus yellow)*

(6) in compliance with the Federal Motor Vehicle Safety Standards for school buses as of the date of manufacture.

§ 1287. Multifunction school activity bus

(a) A "multifunction school activity bus" is a vehicle which is used to transport students on trips other than on a fixed route between home and school, and which meets the construction and safety standards for a "multifunction school activity bus" adopted by rule by the National Highway Traffic Safety Administration.

(b) If a school owns a multifunction school activity bus or leases one other than as provided in subdivision 4(34)(A)(vi) of this title, the driver shall be required to hold a license which includes a school bus driver's endorsement. The endorsement shall be a Type I or Type II endorsement as appropriate to the size of the vehicle.

(c) A multifunction school activity bus may be a color other than national school bus yellow. (Added 2005, No. 29, § 2.)