

safe ride newsTM

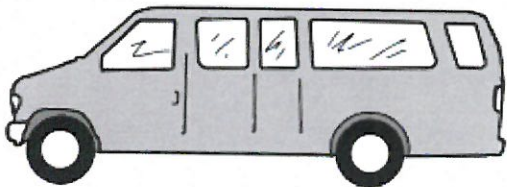
Educational Materials for the Child Passenger Safety Field

News

NHTSA Clarifies 15-Passenger Van Regulations

August 30, 2018

This article originated in the July/August 2018 issue of [Safe Ride News](#).



On August 10, a full-size, 2010 GMC Savana van carrying school-aged children on a field trip in New Hampshire left the highway and struck a tree head on. Although the crash was serious, only one of the 13 passengers was seriously injured. “It appears seat belts saved a lot of lives today,” one state trooper told the a regional news affiliate while on-site at the crash. “These children—most or all—were wearing seat belts.”

Happily, seat belts prevented a far worse outcome. But this highlights the fact that full-size vans, while rarely used for routes to and from school, are still used to transport groups of school-aged children for other purposes.

While they may seem to be a practical transportation solution, full-size vans, especially 15-passenger vans, are known to be less safe than most other vehicles, mainly due to their propensity to roll over. Therefore, NHTSA and other organizations have issued warnings to the public regarding the use of these

vehicles. NHTSA's basic safety messages for using these vans are paraphrased at the bottom of this page.

Beyond issuing warnings, NHTSA regulates the ability of schools to buy 15-passenger vans for the regular transportation of children, most recently through the [Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users \(SAFETEA-LU\)](#). Although these regulations stymie the ability of schools to use 15-passenger vans for student transportation, they cannot entirely prohibit it, as described in the NHTSA Q&A later in this article. However, school use of these vans is prohibited by law in most states, and of the few states that do allow their use, many limit that use to taking students between schools or to/from activities. (To find a [survey by state \(.xlsx\)](#) of the vehicles allowed for transporting students, go [here](#).)

NHTSA has also made newer 15-passenger vans much safer by requiring that they be equipped with **electronic stability control (ESC)** technology, which greatly reduces the likelihood of a rollover. **Since September 1, 2011, ESC has been a required standard feature on these vehicles (as well as all passenger cars, trucks, and small buses), per FMVSS 126.**

In response to an SRN inquiry, NHTSA recently clarified its regulatory role with regard to the use of 15-passenger vans by providing the following questions it is commonly asked and their answers:

Q: May schools purchase or lease new 15-passenger vans?

NHTSA: The Safety Act (SAFETEA-LU) prohibits a school or school system from purchasing or leasing a new 15-passenger van if it will be used significantly by or on behalf of the school or school system to transport preprimary, primary, or secondary school students to or from school or related events, unless the van complies with FMVSSs prescribed for school buses or MFSABs (multi-function school activity buses). A school in violation of this requirement may be subject to substantial civil penalties under the Safety Act.

Q: May 15-passenger vans be used to transport students to or from school or school-related events?

NHTSA: Federal law regulates the manufacture and sale of new vehicles, but does not regulate vehicle use. Each state has the authority to determine how school children must be transported. State law should be consulted for determining use requirements.

NHTSA's school bus regulations require that if a new bus is sold and is likely to be used significantly to transport students to preprimary, primary, or secondary schools, a "school bus" must be sold. However, NHTSA's school bus regulations do not prohibit the use of 15-passenger vans for such transport or the sale of used [emphasis added] 15-passenger vans intended for such transport.

Q: Does NHTSA consider a daycare, childcare center, or a preschool a "school" for the purpose of its school bus regulations?

NHTSA: No. NHTSA interprets "school" not to include daycares, childcare centers, or preschools, including Head Start programs. NHTSA does not regulate, under our school bus regulations, the types of vehicles that may be sold for the purpose of transporting children to and from these facilities.

While NHTSA does not regulate the types of vehicles that may be sold for transporting children to Head Start programs, Head Start has regulations regarding vehicle use for its programs. Head Start programs should consult with the Office of Head Start if they have questions regarding compliance with those requirements. (Editor's note: Head Start programs may not use 15-passenger vans for student transportation; the regulatory agency is the Office of Head Start, not NHTSA.)

Resources:

NHTSA:

Van safety: <https://www.nhtsa.gov/road-safety/15-passenger-vans>

School bus safety: <https://www.nhtsa.gov/road-safety/school-bus-safety>

National Association of State Directors of Pupil Transportation Services:

A [position paper on nonconforming vehicles \(PDF\)](#) (i.e., vans) can be found at www.nasdpts.org.

Extra Care Is Needed for Safety in Full-Size Vans

When large vans are used for approved purposes, follow these rules for safety:

- Never overfill the van. Buckle up all passengers properly following best practice (including in a CR, as appropriate), and always follow state child occupant protection laws. Carry as few passengers as possible.
- When the van is not full, use only seats that are in front of the rear axle.
- The driver should have specialized training and experience in operating this category of vehicle. Check with the state's department of motor vehicles.
- Take special care to ensure that tires have adequate tread and are inflated properly. Avoid using old tires, including spares; tires must never be older than ten years, regardless of level of wear.

Also: Check the *LATCH Manual*

Did you know that Appendix B of the *LATCH Manual* includes listings for large vans? Often, even older vans include tether anchors, so always check for these when young children in FF CRs ride in full-size vans.

Read More in Federal Motor Vehicle Safety Standards

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- **Provide Comments to NHTSA on Rear-Seat Belt Use Alerts**
October 12, 2019
- **Government Shutdown Affects CPS**
March 27, 2019

- **That Looks Odd! What to Do About Noncompliant CRs**

October 31, 2017

- **NHTSA Proposes Changes to Improve LATCH**

February 28, 2015