



INFORMATION REGARDING HB 54 AND THE USE OF 12-PASSENGER VEHICLES FOR STUDENT TRANSPORTATION

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**Department of
Education &
Workforce**



Information Regarding HB 54 and the Use of 12-passenger Vehicles for Student Transportation

This information is being sent to members of the Southwestern Ohio EPC with permission of the Ohio Department of Education & Workforce's Pupil Transportation Department.

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The following pages are guidance from the Ohio Department of Education and Workforce's Pupil Transportation Department.

HB 54 allowed the use of 12-Passenger Vans effective June 30, 2025; However, the purchase of a new vehicle conflicts with Federal law. *Federal law does not regulate the use of vehicles after the first sale.* Vendors cannot sell a NEW 12 Passenger Van, otherwise it is considered to be a school bus and would have to meet the construction standards with the lighting requirements, being yellow, etc.

Information Regarding HB 54 (136th GA) Effective Date June 30, 2025

Use of 12-passenger Vehicles for Student Transportation

HB 54 authorizes the use of “alternative vehicles” for student transportation:

- "Alternative vehicle" means a motor vehicle originally manufactured and designed **for not more than twelve passengers**, not including the driver - RC 4511.76 (H).
- School districts may use these vehicles for to transport **any student** to and from regularly scheduled school sessions, school-related activities, and school-sanctioned events – RC 4511.76(F).
- Community schools and chartered nonpublic schools may similarly use these vehicles to transport their students, but subject to the limitations that exist in current law:
 - (1) A student's school district of residence has declared the transportation of the student impractical pursuant to section 3327.02 of the Revised Code;
 - (2) A student does not live within thirty minutes of the chartered nonpublic school or the community school, as applicable, and the student's school district is not required to transport the student under section 3327.01 of the Revised Code;
 - (3) The governing authority of the chartered nonpublic school or the community school has offered to provide the transportation for its students in lieu of the students being transported by their school district of residence.
- RC 4511.76(E)
- The same requirements in current law applicable to 9-passenger vehicles (not including the driver) apply to 12-passenger vehicles:
 - (1) A qualified mechanic inspects the vehicle not fewer than two times each year and determines that it is safe for pupil transportation;

- (2) The driver of the vehicle does not stop on the roadway to load or unload passengers;
- (3) The driver of the vehicle meets the requirements specified for a driver of a school bus or motor van under section 3327.10 of the Revised Code and any corresponding rules adopted by the department of education and workforce. Notwithstanding that section or any department rules to the contrary, the driver is not required to have a commercial driver's license but shall have a current, valid driver's license, and shall be accustomed to operating the vehicle used to transport the students;
- (4) The driver and all passengers in the vehicle comply with the requirements of sections 4511.81 and 4513.263 of the Revised Code, as applicable.

- RC 4511.76(G).

Department of Education & Workforce Administrative Rules

- The Department of Education and Workforce has updated [Rule 3301-83-19 Authorized vehicles for the transportation of pupils to and from school and school-related events](#) to reflect new authorization to use 12-passenger vehicles. The new rule will be effective July 1, 2025.
- Until the Department's rule changes are effective, the HB 54 changes apply and supersede Department rule language.

Legal and Student Safety Considerations in Using 12-passenger vehicles

- Ohio currently allows vehicles designed for more than 9 passengers (not including the driver) ("10 passenger vans") to be used for routine transportation of community school/chartered nonpublic school children back and forth to school in certain circumstances. RC 4511.76. In addition, Ohio authorizes 10-passenger vans for the transportation of preschool children, special needs children, homeless children, foster children, children inaccessible to school buses, students placed in alternative schools or for work programs. OAC 3301-83-19.
 - Historically, there are safety and legal reasons that 11+ passenger vehicles have not been authorized in Ohio for universal home-to-school transportation of Ohio children. These remain relevant in considering what type of vehicle to use for student transportation needs.

Student Safety

The Governor's School Bus Safety Workgroup Report (January 2024), p.7, indicates:

" . . . members concluded that school buses remain the safest mode of transportation for students traveling to and from school. Data from the Ohio State Highway Patrol show that school buses are involved in less than 1% of all crashes in the state."

- Research substantiates the risks associated with larger vans. See *National Association of State Directors of Pupil Transportation Services (NASDPTS) 2025 Alternative Transportation Position Paper (Position Paper)*. The *Position Paper* may be accessed at [Forms & Resources | Ohio Department of Education and Workforce](#).
- The *Position Paper* was designed to help states as they work toward ensuring safe transportation and meeting vehicle requirements as they strive to protect student safety. Per the *Position Paper*:

"Using vehicles other than school buses compromises student safety and heightens the potential for disastrous crashes with student injuries and fatalities. Thus, alternative transportation should be avoided except when completely necessary to meet specific students' school transportation needs and when proper oversight and safety regulations are established." (p.2.)

Federal Law – Purchase or Lease of New 12-passenger Vehicles

- The *Position Paper* provides information concerning federal law, which regulates the sale or lease of new vehicles used for student transportation (p.3). Federal law does not regulate the use of these vehicles **after** the first sale.

See: 49 U.S.C.A. § 30112 . *Prohibitions on manufacturing, selling, and importing noncomplying motor vehicles and equipment* (eff December 4, 2015):

"(a)(1) Except as provided in this section, "30114 of this title, and subchapter III of this chapter, a person may not manufacture for sale, sell, offer for sale, introduce or deliver for introduction in interstate commerce, or import into the United States, any motor vehicle or motor vehicle equipment manufactured on or after the date an applicable motor vehicle safety standard prescribed under this chapter takes effect unless the vehicle or equipment complies with the standard and is covered by a certification issued under section 30115 of this title."

As referenced in the above, the vehicle must "comply with the standard" under section 30115. 49 U.S.C. §30125 defines a "school bus" as any vehicle that is designed for carrying a driver and more than 10 passengers and which, NHTSA decides, is likely to be "used significantly" to transport "preprimary, primary, and secondary" students to or from school or related events (including school-



sponsored field trips and athletic events), (49 U.S.C. §30125). By NHTSA's regulation, the capacity threshold for school buses corresponds to that of buses -- vehicles designed for carrying more than ten (10) persons. This means, for example, that NHTSA categorizes a 12-passenger van (designed for carrying more than 10 persons) as a bus. This in turn means that the vehicle must comply with the standard under section 30015 for school buses.

- Accordingly, dealers selling or leasing a new "school bus" must sell or lease a vehicle that meets the safety standards applicable to school buses. If a 12 passenger "van" is designed for more than 10 passengers, and is sold for student transportation, and does not comply with the standards for a school bus that would be an illegal sale.