



Fact Sheet

Bus and Van Regulations

The New York State Department of Transportation gives this definition of a “school bus”:

720. Applicability

(B) **School Transportation:** All motor vehicles transporting passengers under the age of 21 year, to and from schools, for hire, or owned/or operated by school districts or any public or private school...

720.1 Definitions

(B) **Bus** means a motor vehicle with motive power, except a trailer, designed for carrying more than 10 persons (including the driver), that is used to transport adults and/or children, unless otherwise noted...

(K) **School** means every place of academic, vocational or religious services or instruction for persons under the age of 21 years, except places of higher education. It shall include every child care center, every institution for the care or training of the mentally or physically handicapped; and every camp.

<https://www.dot.ny.gov/divisions/operating/oss/bus-repository/busregs.pdf>

This definition means that if your church or school owns a bus or a van (10 or more passengers), it **MUST** have a Department of Transportation inspection, and meet all requirements of the NYS -DOT. It is expensive, but that is the regulation. The only way out is not transporting passengers under age 21 years.

In addition, your drivers must have not only a CDL, but also an “S” endorsement. Here are the regulations:

What is the definition of the term "school bus" for the purpose of the instructions to receive the S endorsement?

When the term "school bus" is used in the instructions to receive the CDL S endorsement for school bus drivers, the term is defined as:

- A vehicle that is defined in Section 142 of the NYS Vehicle and Traffic Law (see below), **and**

- the school bus has a seating capacity of 16 or more adults (that includes the driver),
or
- the school bus has a gross vehicle weight rating (GVWR) of more than 26,000 lbs.

Section 142 of the NYS Vehicle and Traffic Law: 142. School bus. Every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities or privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

You also have to have drivers that have been approved by the Department of Motor Vehicles. There is some wiggle room if you don't transport students to and from home. Here is their statement:

The New S Endorsement for School Bus Drivers

“New federal regulations require that, on or after October 1, 2005, a school bus driver with a NYS commercial driver license (CDL) must have a new "S" (school bus) endorsement. The S endorsement will be required to drive specific types of school buses. Read [the definition of the types of school buses](#) that will require an "S".

You must apply for the S endorsement at a DMV office and pay the required fees.

You must pass a written (knowledge) test to receive a CDL permit with the S endorsement. You must then pass a road (skills) test to receive the S endorsement. You must take the road test on [a school bus](#).”

<http://www.dmv.ny.gov/sendorse.htm>

The fines for not complying are very expensive, so we recommend compliance with the law - get a DOT inspection and only use qualified drivers, or sell your buses and vans.