



Type III Vehicle Guidance

Purpose

Due to legislative changes from the 2019 session regarding Type III vehicles (2019 Iowa Acts, Chapter 146), the following guidance is offered.

Type III Vehicle Definition

Type III vehicles are those used to transport students in a school-related context, but are not regular school buses. Type III vehicles include passenger cars (including a minivan, sport utility vehicle (SUV), or station wagon), vans, or pickups, and may be marked as a “school bus.” The difference between a family automobile and an equivalent Type III vehicle is not the vehicle itself, but rather its use: Type III vehicles are used by schools for purposes of pupil transportation.

To qualify as a Type III vehicle, the vehicle is limited to a maximum of 9, 10 or 12 persons as passengers, including the driver, and the vehicle must weigh 10,000 pounds or less.

Vehicle Capacity

The capacity of the vehicle is set at the time of manufacture, by the manufacturer. The legal capacity remains the same, regardless of whether seats are removed. For example, if a van has a manufacturer-set capacity of 15 passengers and seats are removed so that only 9 or 12 seating positions remain, it legally remains a 15-passenger van. Use of this reconfigured vehicle would not be a legal option for pupil transportation.

Per Department rules (281 IAC 44.5(1)), alteration of a Type III vehicle, following manufacture by the OEM, is prohibited. This includes, but is not limited to, the addition or removal of seats, ramps, wheelchair securement devices, and power lifts.

9 Passenger or Less

This category would include most minivans, station wagons, cars, SUVs, and pickups. This capacity of vehicle may be purchased either new or used, and may be operated as an activity vehicle or, when properly marked, may be operated as a school bus.

10 Passenger

This category would include larger vans and SUVs. This capacity of vehicle may be purchased either new or used, and may be operated as an activity vehicle or, when properly marked, may be operated as a school bus.

11 or 12 Passenger

This category includes large vans. **This capacity of vehicle may only be purchased used.** It may be operated as an activity vehicle or, when properly marked, may be operated as a school bus.

What is a "used" vehicle?

Per Iowa Code section 322.2 subsection 2, “Used motor vehicle” or “second-hand motor vehicle” means any motor vehicle of a type subject to registration under the laws of this state which has been sold “at retail” as defined in this chapter and previously registered in this or any other state.

Therefore, in general terms, a "used" vehicle is one that has had a title transfer from a dealer to one or more previous retail owners.

Iowa Department of Education guidance should be viewed as advisory unless it's specifically authorized by state statute, according to Iowa Code section 256.9A as enacted by Senate File 475. This does not apply to administrative rules, declaratory orders, or materials required by federal law or courts.

Why is the purchase of a 12-passenger vehicle limited to a "used" vehicle?

Consistent with 49 U.S. Code § 30112, the rules set forth by the National Highway Traffic Safety Administration (NHTSA) do not allow schools to purchase new vehicles of 11 passengers or more in capacity, unless they meet the construction guidelines for school buses. Type III vehicles do not meet these construction guidelines. However, the NHTSA rules do not apply to "used" vehicles.

Use of Safety Belts or Safety Harnesses

Under all circumstances, a Type III vehicle shall not carry more passengers than there are safety belts or safety harnesses as installed by the manufacturer. Additionally, when in use, there shall be no persons or passengers present in the bed of a pickup.

Driver Licensing and Training

Driver licensing and training shall follow the requirements that pertain to the use of the vehicle. Activity vehicles allow, at a minimum, the use of a standard driver's license. When operated as a school bus, the driver of a Type III vehicle shall comply with the qualifications, licensing and instruction requirements found in Iowa Code sections 321.375 and 321.376, other than the requirement to obtain a commercial driver's license.

References

2019 Iowa Acts, Chapter 146 <https://www.legis.iowa.gov/law/statutory/acts/actsChapter>

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