ATTACHMENT E

(Retyped 8/29/06 to be made ADA compliant. Original content and format were retained.)

Charlie Gauthier
Executive Director
National Association of State Directors of Pupil
Transportation Services
6928 Rock Hill Road
The Plains, Virginia 20198-1916

Dear Mr. Gauthier:

On August 10, 2005, President Bush signed into law the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU), Pub. Law 109-59. I am writing to convey to you some important information concerning provisions in the Act related to the purchase and use of 15-passenger vans.

The National Traffic and Motor Vehicle Safety Act, as amended, has long prohibited motor vehicle dealers and others from selling or leasing school buses that do not comply with all applicable federal motor vehicle safety standards. Under NHTSA's regulations, a bus is defined as a motor vehicle "designed for carrying more than 10 persons," including 15-passenger vans. A school bus is defined as "a bus that is sold, or introduced into interstate commerce, for purposes that include carrying students to and from school or related events, but does not include a bus designed and sold for operation as a common carrier in urban transportation." The vehicle type is stated on the certification label that is typically affixed to the driver's door or door jam.

A section of the Standards and Compliance chapter of the Motor Vehicle Safety Act prohibits the sale or lease of a non-complying school bus and persons violating this prohibition are subject to substantial civil penalties. SAFETEA-LU (Section 10309) amends this section of the Safety Act to prohibit schools or school systems 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 an event related to school, unless the 15-passenger van complies with the motor vehicle standards prescribed for school buses and multifunction school activity buses..." NHTSA's definition of multifunction school activity bus**,** an additional vehicle type (see paragraph above)**,** states that the term "means a school bus whose purposes do not include transporting students to and from home or school bus stops." The term 15-passenger van is defined in Section 10309 as "a vehicle that seats 10 to 14 passengers, not including the driver." This provision does not apply to purchases or leases under contracts executed prior to August 10, 2005.

You also should be aware that Section 10309 of SAFETEA-LU amends the Safety Act's civil penalty provisions for violations by dealers and others related to school buses and adds civil penalties for violations of the new prohibition on 15-passenger vans. Under the new law, a single violation carries a civil penalty of up to $10,000, and the maximum civil penalty for a related series of violations is $15,000,000.

You can find the full text of these provisions under House Bills, H.R. 3 [PL 109-59, Title X, Section 10309 (pp. 800-801)] at http://thomas.loc.gov/bss/d109/d109laws.html. If you have any questions concerning these provisions, please contact James Jones, Office of Vehicle Safety Compliance (NVS-224), National Highway Traffic Safety Administration, 400 7th Street SW, Washington, DC. Phone: (202) 366-5294 and FAX: (202) 366-3081.

Sincerely yours,

Ronald L. Medford
Senior Associate Administrator
for Vehicle Safety

Safe, Accountable, Flexible, and Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU)
Public Law 109-59

Signed into law by the President of the United States on August 10, 2005

SEC. 7259. 15-PASSENGER VAN SAFETY.

(a) Testing-

(1) IN GENERAL – The Secretary of Transportation shall require the testing of 15-passenger vans as part of the rollover resistance program of the National Highway Traffic Safety Administration's new car assessment program.

(2) 15-passenger van defined- In this subsection, the term '15-passenger van' means a vehicle that seats 10 to 14 passengers, not including the driver.

(b)Prohibition of Purchase, Rental, or Lease of Noncomplying 15-passenger Vans for School Use-Section 30112(a) is amended—

(1) by inserting '(1)' before 'Except as provided'; and

(2) by adding at the end the following:

'(2) Except as provided in this section, sections 30113 and 30114 of this title, and subchapter III of this chapter; a school or school system may not purchase or lease 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 an event related to school, unless the 15-passenger van complies with the motor vehicle standards prescribed for school buses and multifunction school activity buses under this title. This paragraph does not apply to the purchase or lease of a 15-passenger van under a contract executed before the date of enactment of the Surface Transportation Safety Improvement Act of 2005.'

(c) PENALTY- Section 30165(a) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

'(2) School buses-

'(A) IN GENERAL- Notwithstanding paragraph (1), the maximum amount of a civil penalty under this paragraph shall be $10,000 in the case of—

'(i) the manufacture, sale, offer for sale, introduction or delivery for introduction into interstate commerce, or importation of a school bus or school bus equipment (as those terms are defined in section 30125(a) of this title) in violation of section 30112(a)(1) of this title; or

'(ii) a violation of section 30112(a)(2) of this title.

'(B) RELATED SERIES OF VIOLATIONS- A separate violation occurs for each motor vehicle or item of motor vehicle equipment and for each failure or refusal to allow or perform an act required by that section. The maximum penalty under this paragraph for a related series of violations is $15,000,000.'.