

# **ASCIP** ***RISK ALERT!***

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**Date:** October 10, 2003

**Attention:** ASCIP Members

**Subject:** 15 PASSENGER VANS

California educational agencies which own or operate 15 passenger vans are now subject to the restrictions imposed by the Governor's signing of AB 626 on September 29, 2003, which adds section 39800.5 to the California Education Code and section 10326.1 to the California Public Contract Code.

The use of large capacity 15 passenger vans as a means for California schools and colleges to provide for transportation of small groups of students to and from certain activities has been commonplace for decades. Because the design and safety of such passenger vans has been questioned in a number of school and college excursion accidents, vehicle safety advocates have made efforts to prohibit any use of such vehicles by schools. AB 626 continues to permit the use of 15 passenger vans in California but with specific new requirements.

The use of 15 passenger vans has generally been confined to community colleges and universities. However, some K-12 school districts have used 12 and 15 passenger vans with the interior seating removed to limit occupancy to 9 passengers and the driver. Drivers of such vans previously needed only a standard passenger vehicle driver's license. The new legislation imposes a requirement for a Class 'B' driver's license with a passenger endorsement for all drivers of 15 passenger vans even if a 15 passenger van is converted to a lesser seating capacity. **It should be observed that K-12 schools in California MAY NOT use a 15 passenger van to transport students even if seating capacity is reduced to 10 occupants or less.** The 12 passenger vans are not addressed by this legislation and may continue to be utilized with their seating permanently reduced to a capacity of 10 total occupants.

AB 626 went into effect on January 1, 2005, which offered a reasonable amount of time for changes to be developed and implemented in the transportation plans of 15 passenger van owners or the educational users of such vehicles.

**Related Risk Alerts:**

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*Updated December 2006*