ARTICLE 67-12
STANDARDS FOR SCHOOLBUSES

Chapter
67-12-01 Standards for Schoolbuses

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67-12-01-01. Minimum standards required.

Except as specifically provided in this chapter, all public schoolbuses operated in North Dakota must meet the minimum body and chassis standards established or referenced in this chapter. Through June 30, 2008, a school may use a noncomplying van to transport school children to and from school and school-related activities if:

1. The van was purchased by the school district and placed into service for the purpose of transporting school children to and from school and school-related activities prior to March 1, 2003;

2. The van is equipped with a seatbelt for the driver and each passenger in the van; and

3. The van is driven in compliance with rules of the road applicable to schoolbuses.

History: Effective May 1, 1999; amended effective July 1, 2003; December 1, 2003.
General Authority: NDCC 28-32-02, 39-21-27, 39-21-27.1
Law Implemented: NDCC 39-21-27, 39-21-27.1

67-12-01-02. National standards adopted.

Except as provided in section 67-12-01-03, the body and chassis standards identified in the federal motor vehicle safety standards for schoolbuses, 49 CFR part 571 [as revised through July 1, 2005], are hereby adopted for schoolbuses in this state.

History: Effective May 1, 1999; amended effective July 1, 2003; July 1, 2006.
General Authority: NDCC 28-32-02, 39-21-27, 39-21-27.1
Law Implemented: NDCC 39-21-27, 39-21-27.1

67-12-01-03. Additional standards.

1. Whenever body and chassis standards identified in the 2005 revised edition of the national minimum standards for schoolbus construction, as developed by the fourteenth national conference on school transportation, May 15-19, 2005, exceed or are in addition to the federal motor vehicle safety standards for schoolbuses, those national minimum standards for schoolbus construction apply and are hereby adopted by reference.

2. All schoolbuses purchased after September 1, 2006, may not include interior overhead racks unless the rack:

   a. Meets head requirements of FMVSS no. 222 effective on July 1, 2002, when applicable;

b. Has a maximum rated capacity displayed for each compartment;

c. Is completely enclosed and equipped with latching doors which must be sufficient to withstand a force of five times the maximum rated capacity of the compartment;

d. Has all corners and edges rounded with a minimum radius of one inch [25.4 millimeters] or padded equivalent to door header padding;

e. Is attached to the bus sufficiently to withstand a force equal to twenty times the maximum rated capacity of the compartment; and

f. Has no protrusions greater than one-fourth of one inch [6.35 millimeters].

History: Effective May 1, 1999; amended effective July 1, 2003; July 1, 2006.
General Authority: NDCC 28-32-02, 39-21-27, 39-21-27.1
Law Implemented: NDCC 39-21-27, 39-21-27.1

67-12-01-04. Effective date.

These specifications apply to bus chassis and bodies manufactured after January 1, 2000.

History: Effective May 1, 1999.
General Authority: NDCC 28-32-02, 39-21-27, 39-21-27.1
Law Implemented: NDCC 39-21-27, 39-21-27.1

67-12-01-05. Investigation and enforcement.

If the department of public instruction has reason to believe that a school district is operating a bus which does not conform to the standards established by this chapter, the department shall request that the North Dakota highway patrol investigate and report its findings to the department. If the findings indicate noncompliance, the department of public instruction shall notify the school district accordingly and order that the vehicle not be operated until it is in compliance. The department shall also notify the school district of its opportunity to request a review and reconsideration of the decision if such request is made in writing within two weeks of the date of mailing by the department of public instruction. The reconsideration request must state the following:

1. The facts, law, or rule which the school district believes was erroneously interpreted or applied; and

2. The school district's arguments on how the facts, law, or rule should have been applied, giving specific reasons and thorough analysis.

The superintendent of public instruction will issue a final written response on the reconsideration request within two weeks after receiving a complete reconsideration request.

History: Effective May 1, 1999; amended effective July 1, 2003.
General Authority: NDCC 28-32-02, 39-21-27, 39-21-27.1
Law Implemented: NDCC 39-21-27, 39-21-27.1