

EDUCATION AND LABOR CABINET

Department of Education

(Amended at ARRS Committee)

**702 KAR 5:130. Non-school bus passenger vehicles ~~{Vehicles designed to carry nine (9) passengers or less, standards for}.~~**

RELATES TO: KRS 156.153(3), 156.160, 156.990, 158.110, 158.148, 160.310, 160.380, 189.540, 189.550, 281A.010(24), 49 C.F.R. pt. 40

STATUTORY AUTHORITY: KRS 156.070, 156.153, 156.160, 189.540

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.070 authorizes the Kentucky Board of Education to have the management and control of the common schools and all programs operated in those schools. KRS 156.160 requires the Kentucky Board of Education to promulgate administrative regulations relating to the transportation of children to and from school and those deemed necessary or advisable for the protection of the physical welfare and safety of public school children. KRS 189.540 requires the Kentucky Board of Education to promulgate an administrative regulation to govern the operation of ~~{district-owned}~~ passenger vehicles owned, leased, or privately contracted by the district that transport students~~{designed to carry nine (9) passengers or less, including the driver, and used for approved school activities}~~ under KRS 156.153(3). KRS 156.153(3)(d) requires the Kentucky Board of Education to promulgate administrative regulations establishing the minimum standards and specifications for non-school bus passenger vehicles; minimum route safety standards and pick-up and drop-off protocols for transporting students to and from school along a regular bus route using non-school bus passenger vehicles; and minimum qualifications, training, and drug testing requirements for an individual to be authorized to transport any student ~~to and from school~~ using a non-school bus passenger vehicle. This administrative regulation establishes the requirements relative to the transportation of students~~{pupils}~~ by local school districts in non-school bus passenger vehicles~~{designed to carry nine (9) passengers or less and which are not classified as school buses}~~.

Section 1. **Definitions.** ~~{Definition.}~~

(1) "Non-school bus passenger vehicle" or "vehicle"~~{Vehicle}~~ means a vehicle owned, leased, or contracted by a school district~~{board}~~ that is designed and built by the manufacturer for passenger transportation of ten (10)~~{nine (9)}~~ or fewer passengers, including the driver, and used for transporting students~~{or contracted to the board which is significantly used to transport pupils}~~ to and from school along regular bus routes and approved school activities~~{under an alternative transportation plan approved by the Kentucky Department of Education}~~~~{which is designed by the manufacturer to carry fewer than ten (10) passengers}~~.

(2) "Motor vehicle" is defined by KRS 281A.010(24).

(3) "Serious traffic violation" means a conviction when operating a motor vehicle of:

- (a) Excessive speeding, involving a single charge of any speed fifteen (15) miles per hour or more, above the specified speed limit;
- (b) Reckless driving including conviction of driving a motor vehicle in willful or wanton disregard for the safety of persons or property;
- (c) Improper or erratic traffic lane changes; or
- (d) Following the motor vehicle ahead too closely.

~~{Section 2.}~~ ~~{Alternative Transportation Plan.}~~

~~{(1)} A district shall submit an alternative transportation plan to the Kentucky Department of Education for approval each school year prior to transporting any~~

~~student in a non-school bus passenger vehicle. } [A vehicle may be used for the transportation of pupils:]~~

~~[(2)] } || The alternative transportation plan shall include:~~

~~[(a)] } || The number of vehicles being used to transport students; and~~

~~[(b)] } || Information regarding why a school bus is not being used.~~

~~[(a)] [From areas not accessible by a regular school bus to the nearest road available for the safe transfer of pupils to a regular school bus or vice versa;]~~

~~[(b)] [For emergency transportation of students;]~~

~~[(c)] [For approved school activities; or]~~

~~[(d)] [For qualified special needs pupils.]~~

~~[(2)] [A vehicle driver shall be a school district employee or a person contracted by the district.]~~

## **Section 2. [Section 3.] Vehicle Requirements.**

(1) A vehicle shall not be used to carry more ~~students~~[pupils] than the manufacturer's designed passenger capacity for that particular vehicle.

(2) ~~[Section 4.]~~ A vehicle shall have occupant restraint systems equal in number to the manufacturer's designed passenger capacity and installed in accordance with the ~~[original equipment]~~ manufacturer's specifications.

(3) A vehicle shall display a sign in clear view in the rear of the vehicle stating:

(a) "This vehicle is being used to transport school children"; and

(b) "This vehicle stops at railroad crossings".

(4) A district shall remove all district identification lettering from a non-school bus passenger vehicle before transferring title to another party other than a Kentucky school district. A contract issued by the local board for a non-school bus passenger vehicle shall contain a clause requiring the contractor to remove all district identification lettering when the vehicle is no longer under contract to the local board of education.

(5) The vehicle shall be equipped with:

(a) A fire extinguisher with a rating of A, B, and C;

(b) A first aid kit;

(c) A seatbelt cutter; and

(d) A body fluid clean up kit.

## **Section 3. [Section 4.] Route Safety Standards and Pick-up and Drop-off Protocols.**

(1) **Subsections (2) and (3) of this section shall apply to drivers transporting students to and from school along a regular bus route using a non-school bus passenger vehicle.**

(2) The driver shall stop in a location that does not obstruct traffic while picking up or dropping off any student.

(3) ~~[(2)]~~ Pursuant to KRS 156.153(3)(d)2, the driver shall not deposit a student at a location that would require the student to cross a road or intersection to reach the student's destination.

(4) ~~[(3)]~~ The driver shall not use a personal communication device while operating a vehicle with students on board except during an emergency.

## **Section 4. [Section 5.] Driver Qualifications. [Liability or indemnity insurance shall be purchased for each vehicle. The coverage limits shall be at least these amounts:]**

<del>[Bodily injury/Property Damage]</del>	<del>[\$1,000,000 per occurrence combined or \$250,000/\$1,000,000 split]</del>
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<del>[Uninsured/Underinsured Motorist Coverage]</del>	<del>[\$500,000]</del>
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<del>["No-Fault" Coverage]</del>	<del>[\$20,000 per passenger]</del>
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(1) Pursuant to KRS 156.153 and KRS 189.540, a driver shall have a current valid Class D operator's license.

(2) An individual shall be disqualified from transporting any student in a non-passenger vehicle for a period of sixty (60) days if convicted of two (2) serious traffic violations or one hundred twenty (120) days consecutively if convicted of three (3) serious traffic violations committed in a motor vehicle arising from separate incidents occurring within a three (3) year period.

(3) An individual shall be disqualified from transporting any student in a non-passenger vehicle for a period of one (1) year for refusing to submit to drug testing required by KRS 160.380 and this administrative regulation.

(4) An individual shall be disqualified from transporting any student in a non-passenger vehicle for five (5) years if convicted of:

(a) Driving or being in physical control of a motor vehicle under the influence of alcohol or a controlled substance; or

(b) A violation of any state or local law related to motor vehicle traffic control, other than a parking violation, arising in connection with a fatal accident. ~~A local board of education operating under an approved alternative transportation plan shall adopt a policy that establishes the qualifications for drivers regarding:~~

~~(a) Drug test results;~~

~~(b) Driving history record;~~

~~(c) Convictions for a violation under KRS Chapter 189 for which penalty points are assessed; and~~

~~(d) Any citation or arrest for a violation of any provision of KRS Chapter 189A.~~

(5) ~~(2)~~ An individual ~~A person~~ shall not operate a non-school bus passenger vehicle if convicted within the past five (5) years of driving under the influence (DUI) or driving while intoxicated (DWI).

(6) An individual shall not drive a non-school bus passenger vehicle while having any measurable or detectable amount of alcohol or other controlled substances in their system.

(7) ~~(3)~~ A driver taking medication either by prescription or without prescription shall not drive if that medication affects the driver's ability to safely drive the vehicle or perform other driver responsibilities.

(8) ~~(4)~~ A local board of education shall require a medical examination ~~of each driver~~ at least once every twenty-four (24) months ~~of each driver transporting students to and from school along a regular bus route~~. The medical examination shall be reported on the form Medical Examination of School Employees, KDESHS001, incorporated by reference in 702 KAR 1:160, Section 6(1)(a), or an electronic medical record that includes all of the data equivalent to that on the ~~Medical~~ ~~Medial~~ Examination of School Employees form.

Section 5. ~~Section 6.~~ Driver Drug Testing Requirements. ~~Before a vehicle is initially used to transport pupils, a safety inspection shall be made on the vehicle by an approved school bus inspector to certify the vehicle is in safe operating condition. If the vehicle is found to be in unsafe operating condition, it shall not be used to transport pupils until necessary repairs are made.~~

(1) Pursuant to KRS 156.153(3)(d)3 and KRS 160.380 ~~(6)(e)2~~, all drivers transporting any student in a non-school bus passenger vehicle shall submit to drug testing consistent, to the greatest extent practicable, with the requirements of 49 C.F.R. pt. 40.

(2) A driver shall be subject to the following:

(a) Controlled substance testing prior to initially transporting students;

(b) Post-accident testing for controlled substances and alcohol;

- (c) Random testing for controlled substances and alcohol; and
- (d) Reasonable suspicion testing for controlled substances and alcohol.
- (3) A driver having a confirmed positive test for a controlled substance shall not be permitted to transport any student in a non-school bus passenger vehicle for five (5) years from the date of the positive test. A driver subject to this subsection shall undergo controlled substance testing prior to operating a non-school bus passenger vehicle again and shall undergo a minimum of six (6) unannounced follow-up tests in the first twelve (12) months.
- (4) A driver who tests at 0.02 percent or higher on the confirmation alcohol test immediately before, during, or immediately following operating a non-school bus passenger vehicle shall be relieved of these duties immediately and shall not be eligible to operate a non-school bus passenger vehicle for five (5) years. A driver subject to this subsection shall undergo controlled substance and alcohol use testing prior to operating a non-school bus passenger vehicle again and shall undergo a minimum of six (6) unannounced follow-up tests in the first twelve (12) months.
- (5) A district may adopt a policy establishing the frequency of random drug testing for all drivers of non-school bus passenger vehicles. The drug testing requirements a district sets for drivers transporting students along regular bus routes shall meet or exceed the drug testing requirements a district sets for drivers transporting students to and from approved school activities.*

**Section 6. ~~Section 7.~~ Driver Training.** ~~[A vehicle shall be inspected at least once each month that the vehicle is used to transport pupils, utilizing the same criteria for inspection as for school buses on the "Preventive Management Inspection" Form as found in the "Pupil Transportation Management Manual, April 1998".]~~

- (1) A driver shall successfully complete an initial three (3) hour training curriculum developed by the Kentucky Department of Education and delivered by a school bus driver trainer certified in accordance with 702 KAR 5:080, Section 4(2).
- ~~(2) A school district shall provide to each driver a copy of ~~A driver shall successfully complete a district specific minimum three (3) hour training each school year delivered by a school bus driver trainer certified in accordance with 702 KAR 5:080, Section 4(2). The minimum three (3) hour training shall include information on~~ the local board's transportation services policy and code of acceptable behavior and discipline annually and upon revision.~~
- (3) A driver shall successfully complete basic first aid and cardiopulmonary resuscitation training in accordance with 702 KAR 5:080, Section 5. ~~A driver shall be subject to this training every two (2) years.~~
- (4) A district shall not permit an individual to transport students until the individual has successfully completed the training in this section.

**Section 7. ~~Section 8.~~ Driver Insurance.** ~~[If being used to transport pupils, a vehicle shall display a sign in clear view in the rear of the vehicle stating: "This vehicle is being used to transport school children."]~~

- (1) A local board of education shall obtain indemnity or liability insurance against negligence with a coverage limit of at least 1,500,000 dollars per occurrence for all non-school bus passenger vehicles owned or leased by the district.
- (2) For vehicles contracted by the district, the local board shall require the contractor to carry indemnity or liability insurance against negligence with a coverage limit of at least 1,500,000 dollars per occurrence.

**Section 8. ~~Section 9.~~ Driver Vehicle Inspections.** ~~[Incorporation by Reference.]~~

- (1) The driver shall conduct and document a pre-trip inspection using the Non-school Bus Passenger Vehicle Pre-trip Inspection form prior to each time the vehicle is used to

transport any student. If the driver determines that the vehicle is not safe to drive, the vehicle shall not be used to transport students until it is inspected and approved by a Kentucky Department of Education approved school bus or vehicle inspector, or a certified Automotive Service Excellence master technician.

(2) The safety inspection required by KRS 156.153(3)(b) shall be performed by a Kentucky Department of Education approved school bus or vehicle inspector, or a certified Automotive Service Excellence master technician. The Preventative Maintenance Inspection Report For Non-school Bus Passenger Vehicle form shall be used to perform the safety inspection. If the vehicle is found to be in an unsafe operating condition, it shall not be used to transport students until necessary repairs are made.

["Pupil Transportation Management Manual", April 1998, is incorporated by reference.]  
[(2)] [This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of District Support Services, Department of Education, 15th Floor, Capitol Plaza Tower, 500 Mero Street, Frankfort, Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m.]

**Section 9. ~~Section 10.~~ Driver Emergency Transportation.**

(1) If a school district transports a student due to an emergency as determined by the superintendent or his or her designee, Section 2(5), ~~3(5), Section 7(2) and (4), and Section 8(1), 9(1).~~ of this administrative regulation shall not apply.

(2) The school district shall attempt to obtain verbal consent of a parent or guardian prior to emergency transportation.

**Section 10. The transportation of a student pursuant to an agreement between a school district and a parent to reimburse the parent for arranging transportation of his or her own child to and from school or approved school activities shall not be subject to any requirement imposed pursuant to this administrative regulation.**

**Section 11. Incorporation by Reference.**

(1) The following material is incorporated by reference:

(a) "Non-school Bus Passenger Vehicle Pre-trip Inspection", April 2025; and

(b) "Preventative Maintenance Inspection Report For Non-school Bus Passenger Vehicle", April 2025.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Education, 300 Sower Blvd., Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material may also be viewed at: <https://www.education.ky.gov/districts/legal/Pages/Kentucky-Revised-Statutes.aspx>.

FILED WITH LRC: June 9, 2026

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