

15 Passenger Vans

What's Wrong With 10-15 Passenger Vans?

The simple answer is that they are particularly susceptible to rollover and van occupants often do not wear seat belts. Look at these numbers:

In one year 440,000 school buses traveled more than 4 billion miles with just 6 students killed. (*School Bus Information Council*)

In that same year, there were 130 fatalities in 15 passenger vans; 1/3 of the deaths were in single vehicle crashes and 87% of those killed were not wearing safety belts. (*National Highway Traffic Safety Administration Action Plan*)

Federal law prohibits schools from purchasing vans for use in transporting children to and from school or a school-related activity. (What's the difference between children and adults - little when it comes to potential injury.)

A van's high rollover tendency is linked to the vehicle's high center of gravity, which is likely to increase and shift rearward as the vehicle is loaded.

Within the last few years at least three Texas colleges have suffered tragic deaths in van rollovers.

What's Wrong With Most School Van Usage?

Often vans are driven by coaches, parents, sponsors, teachers and even students who do not have the same training or qualifications as bus drivers. (The District's Automobile insurance may not protect a student driver.)

Maintenance and inspections are not the same as buses. Low tire pressure often leads to blowouts that contribute to van rollovers.

What's the School's Liability?

If your district's Automobile Liability limits are 100/300/100 that may not be sufficient.

The Texas Tort Claim Act limits a district's liability to 100,000/300,000 Bodily Injury and \$100,000 Property Damage, but those limits may not apply out of Texas or if the action is in violation of a Federal statute or to non-employee drivers.

The Act further provides that employees (drivers) are "not personally liable for damages in excess of \$100,000" (§108.001); said another way, an employee could be liable for up to \$100,000. And the driver's personal insurance may exclude coverage. "Course and scope of employment" and the driver's personal insurance may also impact coverage.

15 Passenger Vans & Mini-buses

Under federal regulations, any motor vehicle with a capacity of 10 or more passengers is defined as a "bus." The vehicle description appears on the "certification label" that is required on all motor vehicles, and typically is found affixed to the driver's door or door jamb. If the vehicle meets all of the FMVSSs that apply to school buses and multifunction school activity buses, then the certification label will show that it is a "school bus", not just a "bus." Unless the certification label says the 15-passenger van is a "school bus," then it is a violation of federal law to purchase or use the 15-passenger van to transport students to and from school or a school-related activity. (TXDPS)

Some Risk Pools Do Not Cover Student Occupied 15 Passenger Vans

Auto coverage may exclude any protection if a 15 passenger van is occupied by a student. Coverage is only available if the van is certified as a school bus. The policy wording is confusing and appears to read that in order for coverage to apply a van must be both certified and without student passengers. We have been told that a revision is forthcoming.

Is There Coverage for Occupants?

If the van driver is found to be negligent, the Automobile policy may provide liability protection from the injured occupants. If not negligent, absent Uninsured Motorists, Medical Payments or the other driver's liability insurance, there is nothing available, unless a Student Accident policy is in place, typically for student athletes. Such coverage is usually very limited and may not include Repatriation of Remains for foreign students.

Is There Administration or Board Liability?

There is that potential. Would a prudent Board allow use of a vehicle that has been proven unsafe? Or wouldn't a prudent Board be certain that vehicles are properly maintained and drivers trained? Such a case may come within the scope of the Educators Liability Insurance.

Recommendations

Until your vans have been replaced the National Highway Traffic Safety Administration and the National Transportation Safety Board recommends:

- **Screen all drivers:** it is best to require that drivers obtain a commercial driver's license (order MVRs and provide training);
- **Remove the rear seat** of the vans to reduce loading behind the vehicle's rear axle;
- **Limit the capacity to nine persons including the driver**, which dramatically reduces the risk of rollover;
- **Load forward seats first at all times;**
- **Communicate with passengers, parents and other parties** about the high risks;
- **Do not tow anything behind the vehicle or load the roof;**

- **Conduct a full safety inspection of the vehicle, including all tires**, pre- and post-trip (tire blowouts are particularly dangerous and often lead to rollovers);
- **Include safety items on board**, such as a fire extinguisher, first aid kit and cellular phone (which should not be used during driving);
- **Require all passengers and the driver to wear proper safety restraints** any time the vehicle is in motion.

Useful Web Sites

<http://www.nhtsa.gov/About+NHTSA/Press+Releases/Consumer+Advisory:+NHTSA+Reminds+Drivers+of+15-+Passenger+Vans+to+Guard+Against+Rollover+Crashes+During+the+Warm-+Weather+Driving+Season>

<http://www.schoolbusinfo.org/vans.htm>

<http://www.nhtsa.gov/nhtsa/announce/press/PressDisplay.cfm?year=2004&filename=pr25-04.html>

http://www.isbe.net/funding/pdf/van_fact.pdf