

# **Type 10 Activity Vehicle Driver Manual**

**2025**



**Small Passenger Vehicle (MPV)**

## FOREWARD

The goal of every activity trip is to have a safe and enjoyable experience. In 1985, the Oregon Legislature looked at the issue of student transportation. Their findings reflected a weakness in the safety standards and training of drivers who transported students on school activity trips in non-school bus vehicles. The 1985 Legislature passed Senate Bill 326, which required the Oregon Department of Education to adopt standards to control all publicly owned non-school bus vehicles.

In December 1985, the Oregon Department of Education began the task of establishing those standards. They held a series of hearings throughout the state involving transportation directors, supervisors, school bus contractors, and school administrators from public and private schools. Their goal was to establish standards that could be implemented with the needs of the individual school in mind.

This manual has been prepared to provide activity vehicle drivers and school officials with pertinent material relating to safe and efficient school transportation. It is not intended to take the place of motor vehicle laws, school laws and rules, or a first aid manual. Rather, it is a resource for answering the day-to-day questions that arise in connection with activity vehicle driver's responsibilities. Every driver should be thoroughly acquainted with the contents of this publication and a copy should be kept available as a reference source.

Oregon motor vehicle laws are passed by the Oregon Legislature and identified by an Oregon Revised Statute (ORS) number. Pupil transportation regulations are adopted by the State Board of Education and are identified by an Oregon Administrative Rule (OAR) number.

# **OREGON DEPARTMENT OF EDUCATION**

## **PUPIL TRANSPORTATION**

### **INTRODUCTION**

Thank you for your willingness to perform the duties of an Oregon activity driver! While many people operate vehicles every day without much thought to their use, your responsibility for the safety of the students you will transport comes with an obligation to understand the factors at play that can contribute to either a difficult situation or a pleasant outcome. With diligence, your part in the work will yield comfort, enjoyment, and learning for your passengers.

This Activity Driver Handbook is designed to give the basic information needed for Type 10 Activity Drivers. Districts may want to supplement this manual with additional information that is specific to your local area. These could be items such as fueling, breakdown procedures, or the paperwork necessary to reserve the vehicle. The content of this manual includes aspects of driving which could differ from driving a vehicle for personal use. All or any part of this document may be photocopied for educational purposes without permission from the Oregon Department of Education.

Drive safely, and make good decisions.

**Minimum requirements for Type 10 vehicles and drivers are:**

- Vehicle**
- **10 passengers or less including the driver**
  - **10,000 pounds or less**
- Driver**
- 18 years old
  - Possess first aid card
  - Pass driving and criminal records check
  - Be judged by an authorized official as having ability to operate the Type 10
  - Be on an approved driver list maintained at the Oregon Department of Education
- Training Requirements**
- Emergency procedures and evacuation training
  - Pretrip training
  - Specialized training for special education transportation
  - District rules and policies

# TABLE OF CONTENTS

FOREWARD .....	i
INTRODUCTION .....	ii
Minimum requirements for Type 10 vehicles and drivers are:.....	iii
Type 10 Program .....	1
LIABILITIES, RULES AND ADVISORY MATERIAL .....	2
IN LOCO PARENTIS .....	2
NEGLIGENCE .....	2
CONTRIBUTORY NEGLIGENCE .....	3
PARENTAL REQUESTS.....	3
DRIVING IN ADVERSE WEATHER CONDITIONS.....	4
RAIN .....	4
FOG AND SMOKE.....	5
SNOW AND ICE .....	6
WINDSTORM AND EARTHQUAKE.....	11
EMERGENCIES .....	12
DISABLED VEHICLE .....	12
WARNING REQUIREMENTS .....	13
FIRST AID.....	15
“GOOD SAMARITAN” LAW .....	17
EVACUATION DECISION.....	17
EVACUATION PROCEDURES.....	18
LEGAL RESPONSIBILITIES AT THE SCENE OF AN ACCIDENT.....	20
ACCIDENT REPORTING PROCEDURES.....	21
MISCELLANEOUS REGULATIONS .....	23
DRIVING HOURS .....	23
SPEED LAWS.....	23
SEAT BELTS AND SAFETY SYSTEMS .....	23
CELL PHONES.....	24
CARGO.....	24
FUELING .....	24
HOME TO SCHOOL SERVICE.....	25
APPENDIX A: OREGON ADMINISTRATIVE RULES .....	28

APPENDIX B: OREGON REVISED STATUTES..... 47  
APPENDIX C: FEDERAL RULES.....67  
APPENDIX D: FORMS ..... 77

## Type 10 Program



**Small Passenger Vehicle**

Type 10 vehicles shall have a designed capacity of not more than 10 persons including the driver, shall have a gross vehicle weight rating of not more than 10,000 pounds and are used to transport students to and from school or authorized school activities (OAR 581-053-0003(32)(a)). A 12 or 15 passenger vehicle that has had seats removed does not qualify as a type 10 vehicle (vehicle certification shall not indicate the vehicle is a “BUS”).

An annual inspection shall be completed for this vehicle (all applicable items on Form 581-2255) by an ODE certified inspector. Certification of inspection and repair (Form 581-2256) shall be returned to ODE by September 1 of each year. This reporting is the supervisor or administrator’s responsibility.

The drivers of this vehicle must meet the requirements in Oregon Administrative Rule of a school activity vehicle driver. They must possess a valid driver license or commercial driver license, and be at least 18 years of age. They must be placed on an approved driver list maintained at the Oregon Department of Education by completing Form 581-2279, which will be submitted by their supervisor.

The vehicle may be almost any passenger carrying vehicle that complies with federal construction standards and meets its manufacturer’s original specifications. Some examples include: station wagon, SUV, minivan, pickup, or sedan.

## **LIABILITIES, RULES AND ADVISORY MATERIAL**

### IN LOCO PARENTIS

The school district is a creation of the State. Oregon's Attorney General has ruled that the District is to act "in loco-parentis" (a legal term and Latin phrase meaning "in place of the parent"), giving all public school students reasonable care while they are under the supervision of school personnel during transportation and at school. Although no unreasonable effort is required, it is plain that all school employees are duty-bound to protect school children and report anything that is detrimental to the children's safety or welfare.

### NEGLIGENCE

If a civil suit is filed against an activity vehicle driver, the plaintiff must prove that the driver was negligent or failed to take reasonable action to avoid the accident. A defendant who can demonstrate that they followed applicable laws and regulations, acted in a prudent manner, and exercised good judgment, will most likely win the case.

It is, therefore, important for you to understand all school district policies and drive defensively, following all motor vehicle speed laws. Using a school vehicle for unauthorized activities, carrying unauthorized passengers, violating a law or regulation, or ignoring obvious hazards can be used against the accused as evidence of negligence.

On rare occasions, it may be necessary to put policy aside for the sake of prudence. As an example, school policy might dictate that no school personnel shall touch any student, but you might take hold of a student who was about to step off the vehicle into a car's path as it was passing on the right. If the vehicle was approaching the open door, and you did not have time to close the door or caution the student, no one could dispute that you acted in a prudent manner. But if you knowingly violate policy, there must be a very good reason for it. There is no excuse for unknowingly violating a policy, rule or statute.

### CONTRIBUTORY NEGLIGENCE

Gone are the days when a defendant could be spared from liability by showing that the claimant contributed to an accident. Under the current insurance law, the defendant can be held responsible for a portion of the damages, even if the plaintiff shares responsibility for the accident.

Comparative negligence law permits the damages to be divided according to the percentage of each party's negligence, as determined by the court.

### PARENTAL REQUESTS

It is impossible to overemphasize the importance of following District policy and letting pupils off the vehicle only at their assigned destination and schools. Let no one persuade you to do otherwise. Most District policies require that the parent give written permission in advance for any deviation from this schedule. You should keep the notes from parents until you are sure there will be no repercussions.

If a parent asks you to do anything that you consider unsafe or that violates school policy, clear the request with your supervisor or school officials before you make any effort to comply, even if the request is in writing. A parent cannot sign away the rights of the child to reasonable protection.

## DRIVING IN ADVERSE WEATHER CONDITIONS

Bad weather does not cause accidents, but it certainly adds more danger to driving and makes normal hazards worse. Drivers who do not adjust their driving to meet weather conditions cause accidents.

### RAIN

In much of Oregon, rain is normal hazard, at least during the school year. Rain poses several difficulties.

You can expect roads to be slippery, especially after a long dry spell or at the beginning of a rain, before the oil, soil, and other materials on the road have been washed away. The center of the road remains soiled longer than the edges. Allow more time than usual to stop the vehicle, and keep in mind that when braking you will require more distance to come to a stop than on dry pavement.

Your vision is reduced and so is that of everyone else. A misty rain can make the windshield blurry, unless it is very clean.

Precautions include:

1. Reduce speed.
2. Use windshield wipers and washers to keep the windshield clean and clear.
3. Drive well to the right of the roadway lane.
4. Make turns slowly, using the brake as little as possible.
5. Use headlights (a good practice at any time).

Often it is raining when the activity trip starts. Go out to prepare your vehicle early enough to clean the windows, lights, and mirrors carefully. Check the wipers. Start out ahead of the usual or scheduled departure time whenever possible to help compensate for the reduced driving speed.

When you must drive through water several inches deep, the brakes usually become wet. Upon emerging, test the brakes and, if necessary, apply light pressure to the pedal while driving slowly to let the heat generated by the brakes dry the linings. Do not resume normal speed until the brakes function properly.

Travel very slowly through deep water to avoid splashing water into the motor, which may cause it to stall.

Detour or call for instruction rather than proceed into water of unknown depth or where the roadbed may have washed out.

### FOG AND SMOKE

The primary concern when driving through fog and smoke is poor visibility. The safest rule for driving in fog is "DON'T." Realistically though, you must be able to maneuver the vehicle despite the weather.

There are some things you can do to be as safe as possible, such as:

1. Use the windshield wipers and/or defroster continuously, adjusting heat as necessary.
2. Drive with low beam headlights, which throw the light down the road where you need it. High beams only put the light into the fog to be reflected back to you. (Again, it is best to use headlights at all times.)
3. Signal stops by tapping the brake pedal to make the stoplights blink. Use hazard lights to alert other drivers of your changing speed. Rear-end collisions are especially apt to occur in a fog while a driver is stopping or starting up after a stop.
4. Drive as far to the right of the center line as possible while you watch the road edge. Remain aware of your position so that you will not run off the road into a culvert or ditch, or strike a pedestrian, parked vehicle, or fixed object.
5. Assume that you might have to make an emergency stop within the distance you can see ahead, no matter how short it is. If this means crawling, crawl! Do not outdrive your visibility.

6. When fog lies in patches, enter the patches at a greatly reduced speed. Never slow down suddenly in a fog, as drivers following may not notice your change in speed.

Especially in western Oregon, during the summer and autumn months, smoke from field burning often presents much the same hazards as fog. Seasonal forest or grassland fires may present sustained periods of reduced visibility, even if the fire is some distance from your location.

### SNOW AND ICE

Do not blame the weather report for an accident. You and your vehicle must be prepared to face the situation. Make certain that:

1. You go to your vehicle early so that you can make thorough preparations and start your trip earlier than usual.
2. Tire chains are secure, and available to the driver. Call your transportation coordinator or shop if you need help with your chains.
3. Lights, mirrors, and front and rear windows are clear.
4. All exits operate smoothly. Ice and snow can freeze them shut.
5. Vehicle is well warmed up.
6. Heater and window defroster are working.

### STARTING —

Before you start the vehicle on slippery surface, take two or three deep breaths as you repeat in your mind, "Slow and steady, slow and steady."

On glare ice, chains increase starting ability by some seven times. Studs increase your starting ability several times, perhaps half as much as chains. Snow tires are of no help on ice.

On snow, chains increase your starting ability as well as they do on ice. Snow tires are about half as effective as chains. Studded snow tires are more helpful than plain snow tires, but less helpful than chains.

To avoid spinning the wheels, feed less power to the drive shaft than you do on a dry day. Accelerate slowly and steadily. As you pull out onto the road, allow for ample stopping time and maintain greater distance than usual from other vehicles.

#### ON THE ROAD—

Of course, you usually see snow and ice, but beware of “black ice”, which often looks like ordinary wet pavement. On any snow or ice, judge the effect of traffic and the temperature on surface friction. When ice is melting, look far ahead, watching for spots where direct sunlight may have melted the ice quickly and for shaded areas. Overpasses and tunnels will remain icy longer than the rest of the road.

Drive at speeds below those posted, especially on hills, curves, and bridges, as well as in tunnels. Approach all curves slowly and make smooth turns so that you do not have to brake. Select the correct gear for the adjusted rate of speed and brake as little as possible.

The key to control of any vehicle is to avoid locking or spinning the wheels, so try to brake occasionally as you get the feel of the road. Experts do not skid! When you approach intersections and stops, pump the brakes once or twice to evaluate your traction.

If snow or ice builds up on the front or rear window, stop the vehicle and brush it off. If steam accumulates on a front or rear window, adjust the defroster to clear the window surface. Follow at a safe distance. That way you will not have to try to explain why the other person was able to stop and you were not.

#### STOPPING—

Temperature changes alter traction and braking distances greatly. As temperature rises, ice and snow become much more slippery. If at zero degrees you need just 120 feet to stop a school vehicle from a given speed, at 30 degrees you need 225 feet to stop a vehicle traveling at the same speed!

When you have good chains or tires, it is easy to assume your stopping power is better than it really is.

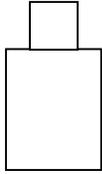
On glare ice, chains cut stopping distance almost by half, but this is nothing compared with the added starting power chains provide. Studs, which increase starting power by more than three

(3) times, decrease the stopping distance by only one-third. Snow tires make no appreciable difference in stopping distance on ice.

On loosely packed snow, chains cut the stopping distance by only one-third. Snow tires cut the stopping distance by about 20 percent, or one-fifth. Studs help very little when stopping in snow.

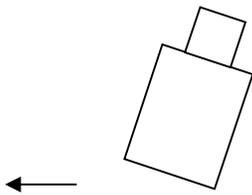
## STEERING TO GET OUT OF A SKID

1.



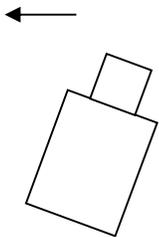
The vehicle is going straight.

2.



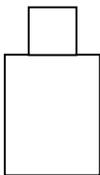
The back end of the vehicle skids to the left.  
The vehicle is now moving forward on an angle. Do not brake. Do not accelerate. Maintain power to the rear wheels.

3.



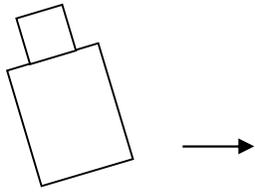
Steer left in the direction you want the vehicle to go.

4.



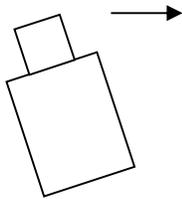
The vehicle is back on course.

5.



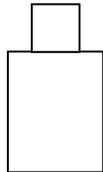
The back end fishtails to the right.

6.



To control fishtailing in the opposite direction, counter steer right to get back on course. Repeat sequence as needed.

7.



Steering control is reestablished. Carefully reduce speed to prevent recurrence.

## WINDSTORM AND EARTHQUAKE

The major danger during windstorms or earthquakes are falling and flying objects.

In high wind, simply proceed with caution. Remember that the sides of the vehicle give a large area of exposure to the wind. Entering areas of cuts or fills exposes the vehicle to rapid changes in wind velocity.

Under severe conditions, if you are driving in an open area, pull over to the side of the road and stop. Otherwise, continue on the route until you come to a place where there are no buildings, trees, or overhead power lines.

Ask the students in the window seats to sit in the center of the vehicle, if possible. If power lines are down, keep everyone in the vehicle and wait for help. Do not try jumping from the vehicle, as downed power lines often charge the ground around them.

After the apparent danger has passed, check to see that no power lines or debris present a hazard. If it is safe, proceed.

## **EMERGENCIES**

In a true emergency, training alone will not assure safe and orderly behavior on the part of students, no matter how obedient they are and how well they have been taught. People often focus on what seems best at the time, whether that is actually best or not.

Regardless of the mildness or severity of any emergency, the driver will have to take charge of students who are excited and, sometimes, panicked. If life or property were threatened or damaged because you lost control of the situation, or lacked the knowledge to make the best decisions, you would not only have to live with the agony of regret – you might be held legally liable.

## **DISABLED VEHICLE**

In spite of all we may do to provide for a safe and uneventful trip, circumstances may change that. The following will help you to be prepared for unplanned vehicle failure, accident, and/or student problems, which require you to stop and take action.

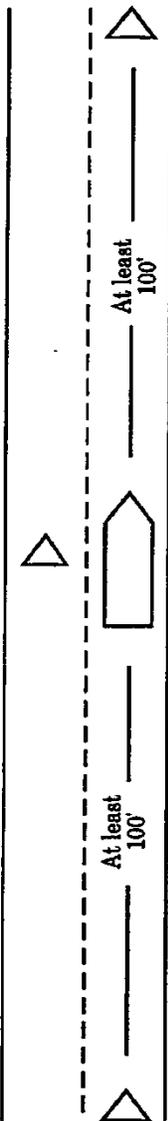
## WARNING REQUIREMENTS

If you must stop on a road or the shoulder of any road, you should put out your emergency warning devices within 10 minutes as required by ORS 811.530 and 49 CFR § 392.22 (b)(1). Placement of the reflectors will vary depending on the circumstances and the terrain.

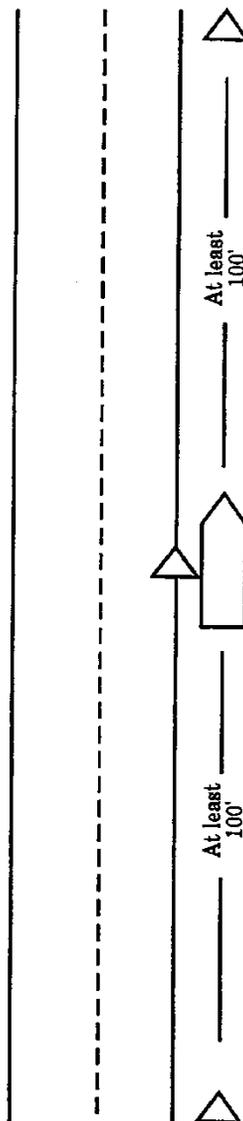
The following pages illustrate placement of reflectors in various situations:

### **PLACEMENT OF EMERGENCY EQUIPMENT**

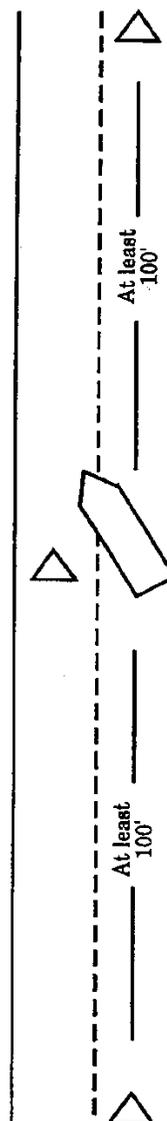
**Parked on 2-lane,  
main traveled portion**



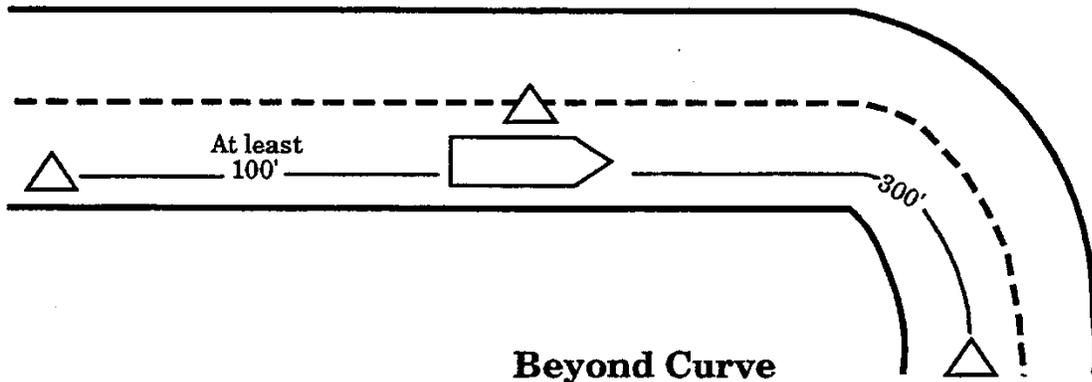
**Parked on shoulder**



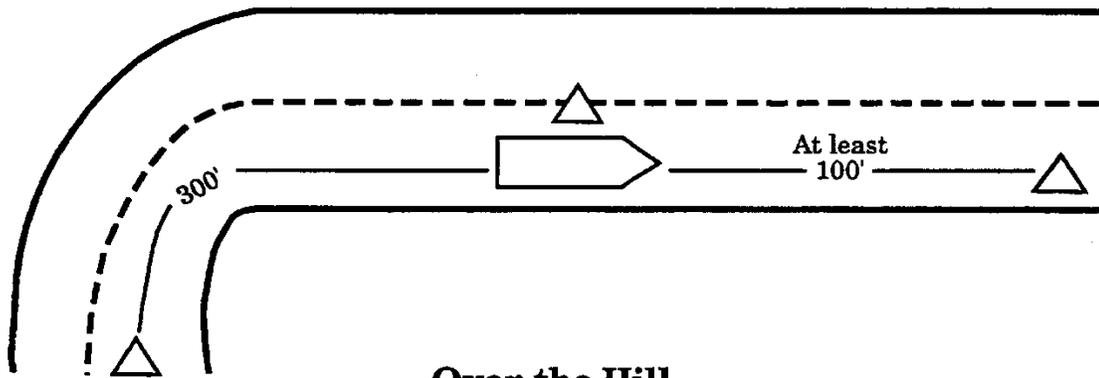
**Partially on  
wrong lane**



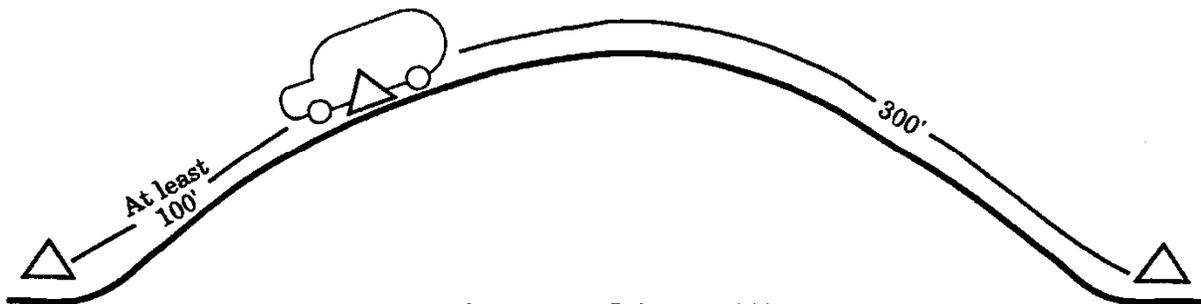
### Approaching Curve



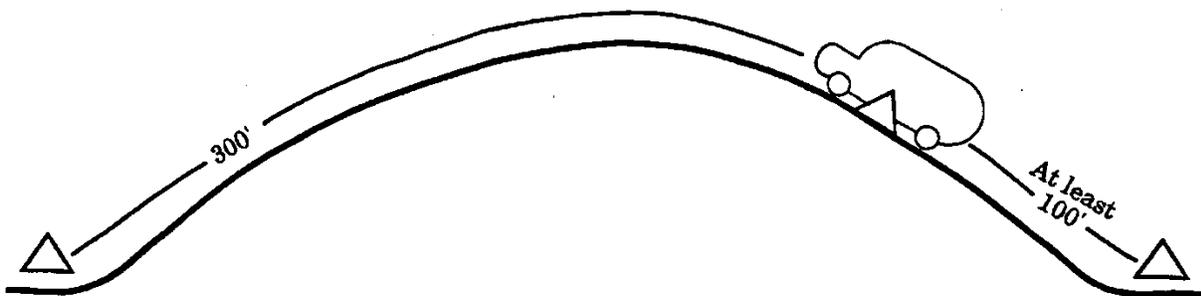
### Beyond Curve



### Over the Hill



### Approaching Hill Top



## FIRST AID

Activity Drivers are required to be trained in first aid. "Trained in first aid" has been defined in OAR 581-053-0003, and means a person who possesses a valid first aid card verifying completion of a **hands-on first aid class** that meets the requirements of the American Red Cross first aid program or an equivalent course that is consistent with the Best Practices Guide: Fundamentals of a Workplace First-Aid Program (OSHA 3317-2006) published by the Occupational Safety Health Administration, U.S. Department of Labor. The training program **shall include instructor observation** of acquired skills and shall include, but not be limited to, the following training:

- (a) Curriculum based on a consensus of scientific evidence;
- (b) Treating airway obstruction in a conscious victim;
- (c) Recognizing the signs and symptoms of shock and providing first aid for shock due to illness or injury;
- (d) Controlling bleeding with direct pressure;
- (e) Poisoning;
- (f) Wounds;
- (g) Burns;
- (h) Temperature Extremes;
- (i) Musculoskeletal Injuries;
- (j) Eye Injuries;
- (k) Mouth and Teeth Injuries; and
- (l) Bites and Stings.

First aid is the immediate and temporary care given the victim of an accident or sudden illness, until the service of a physician can be engaged, often through the activation of Emergency Medical Services (EMS) if necessary. First aid is not intended to replace the professional medical person. Even in minor cases, the patient should see a physician as soon as possible.

First aid rendered correctly controls loss of blood, may restore natural breathing, assists circulation, prevents or lessens shock, protects wounds and burns from infection, immobilizes fractures and dislocations, lessens pain, and conserves the patient's strength, so that when medical aid is provided, recovery is enhanced.

The principal objectives of first aid are:

1. Checking conditions known to be endangering life.
2. Protecting injuries from infection and complications.
3. Preventing further injuries.
4. Making the patient as comfortable as possible, to conserve strength.
5. Transporting the patient to medical assistance, when required, in such a manner as not to complicate the injury or subject the patient to unnecessary discomfort.

Some students may require special care for certain physical needs. It is the school administration's responsibility ~~under Oregon Administrative Rule~~ to inform you and, when additional training may be needed, train you regarding those needs. Your supervisor should supply this information to you and explain how to meet those needs.

Since the students are under your direct care while they are on the school vehicle, part of your own preparation for emergencies and accidents is getting first aid training. **First aid training must be valid at all times when serving as an activity driver.** When the driver's first aid card expires, they must be removed from service until it is renewed.

## “GOOD SAMARITAN” LAW

Good Samaritan laws were enacted in the United States to give legal protection to people who willingly provide emergency care to ill or injured persons without accepting anything in return. They require that the “Good Samaritan” use common sense and a reasonable level of skill, not to exceed the scope of the individual’s training in emergency situations.

In Oregon the protection may be found in ORS 30.800. See Appendix B for the scope of the Statute.

## EVACUATION DECISION

After an accident or breakdown, you, the driver, must make a decision whether to evacuate the vehicle.

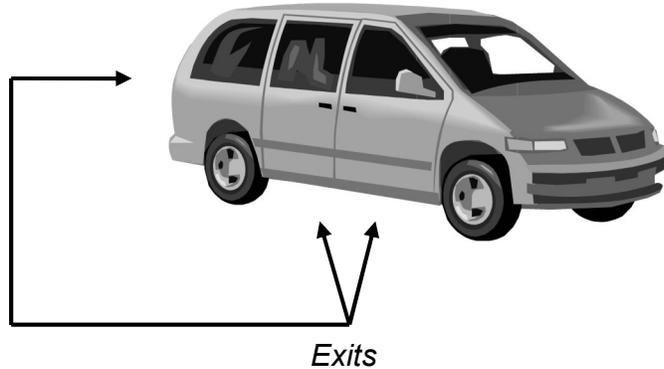
Do not evacuate if the emergency does not endanger the occupants or if outside conditions such as extreme cold, deep snow, or lightning present greater hazards than remaining in the vehicle.

**Do** evacuate if the vehicle is on fire or in danger of fire, or if it is in an unsafe position due to lack of visibility to other motorists over hills or around curves.

Stop and evacuate immediately if the engine or any portion of the vehicle is on fire. Evacuate if the vehicle is near an existing fire and you are unable to move the vehicle away or if presence of gasoline or other combustible material creates a danger of fire.

If the vehicle is stopped in any hazardous position, it should be evacuated. Hazardous positions include:

- On or near railroad tracks.
- In an intersection or where lack of visibility might cause a collision; for instance, near a sharp curve, below the crest of a hill, or in a dip in the road.
- A place from which the position could change, such as at the edge of a steep bank, near the top of a steep grade, or near the edge of a body of water.
- Electric vehicle with a warning indicating evaluation is necessary.



### EVACUATION PROCEDURES

If you have decided to evacuate, you will need to use your initiative to meet the demands of the situation.

- A. Stop the vehicle, of course. If it is at all possible, stop it away from traffic and other hazards.
- B. Set the emergency brake, put the vehicle in park, turn off the engine, and remove the key. Unfasten your seat belt.
- C. Take several deep breaths to get control before you think or act. Now you will come some heavy decision-making!
- D. Decide which exits will be best to use for evacuation. On a type 10 vehicle, use the door closest to the passenger(s), unless another way would be safer considering the vehicle's position, immediate hazards, and the time you can afford.
- E. Decide where the students are to assemble outside the vehicle.
  1. At least 100 feet off the road, walking in the direction of oncoming traffic, to maintain visibility.
  2. If fire is present, lead the students upwind of the vehicle and away from the fire.
  3. Lead the students as far away from railroad tracks as possible and in the direction of any oncoming train, if applicable, to maintain visibility.
  4. Lead students upwind of the vehicle at least 300 feet if there is a risk from spilled hazardous material, like fuel or battery acid.

5. Avoid areas subject to flash flooding.
- F. Take time for several more slow, deep breaths to get control before you speak. When you do speak, keep your voice calm and clear —~~try not to shout or scream~~.
  - G. Face the students and tell them that they are going to evacuate, where to meet outside, and which exits to use. Be sure to name a specific place to meet. Mention the exit last because the students will be eager to leave and the word “DOOR” would tend to set them in motion.
  - H. Gather whatever emergency equipment you will need before you leave the vehicle.
  - I. There are several things you can do to help assure a safe evacuation. These are:
    1. Order the students to remain in their seats until it is their turn to leave.
    2. Caution tall students to duck as they go through vehicle exits.
    3. Should a rear door evacuation be necessary, you should tell students wearing skirts or loose clothing to gather them around their body before exiting so that clothing will not get caught and cause them to fall. Students should sit and scoot out if they cannot reach the ground by stepping from the Type 10 vehicle.
    4. Let each student, as far as possible, decide how much assistance they will need to exit out the emergency door. Students should be taught never to pull anyone out, but to offer a hand, palm up, and let the one coming through the exit grasp it.

When everyone is out, check the students at their assembly point to assure their safety and to give them reassurance. Tell them you appreciate their cooperation, if they have done well, and ask them to continue helping you.

## LEGAL RESPONSIBILITIES AT THE SCENE OF AN ACCIDENT

Oregon law requires all drivers to take specific actions when they are involved in a motor vehicle crash. These requirements are outlined in ORS 811.700 (Failure to Perform the Duties of a Driver When Property is Damaged) and ORS 811.705 (Failure to Perform the Duties of a Driver to Injured Persons). These statutes are often referred to as Oregon's "hit-and-run" laws and the full text can be found in Appendix B.

If you are involved in a crash that causes property damage, injury, or death, you must stop immediately and carry out certain duties at the scene. Failing to do so is a serious offense that can result in fines, license suspension, or criminal penalties.

### *Duties When Only Property is Damaged (ORS 811.700)*

If you are involved in a crash that damages another person's property (such as a vehicle, fence, or other object), you must:

- Stop immediately at the scene or as close as possible without blocking traffic.
- Exchange information with the other driver or property owner, including your name, address, and vehicle registration number.
- Show your driver's license upon request.

Locate and notify the property owner if the property is unattended (for example, hitting a parked car) and leave a written note with your contact information if the owner cannot be found.

### *Duties When Someone is Injured or Killed (ORS 811.705)*

If you are involved in a crash that results in injury or death, you must:

- Stop immediately at the scene or as close as possible without obstructing traffic.
- Remain at the scene until all required information has been exchanged.
- Provide your name, address, driver license, and vehicle registration to the other driver, injured person, or responding law enforcement.
- Render reasonable assistance to anyone injured, which may include calling 911, arranging for transportation to medical care, or providing first aid if trained.
- Notify law enforcement if requested or required by the situation.

Failing to perform these duties is considered a hit-and-run and is has serious consequences under Oregon law. Property damage cases are generally classified as misdemeanors, while leaving the scene of a crash involving injury or death is a felony.

As a school activity vehicle driver, you have the added responsibility of keeping your passengers safe. If a crash occurs while students are on board, your first priority is their well-being. Start by securing the vehicle, caring for the students, and notifying dispatch and/or law enforcement. Then be sure to follow the legal requirements listed in this section.

### ACCIDENT REPORTING PROCEDURES

OAR 581-053-0003 defines an “accident as:

- (1) *“Accident” means an occurrence that results in any of the following:*
  - (a) *An injury requiring medical or dental treatment.*
  - (b) *Combined vehicle and property damage in excess of \$500. This includes:*
    - (A) *Damage to the school bus or school activity vehicle; and*
    - (B) *Damage to property other than the school bus or school activity vehicle, including damage to another school bus or school activity vehicle, or transportation entity property.*
1. The following information should be relayed to the designated School official or the Transportation Department by the driver, students (send two or more if cellular phone service is unavailable but a wired telephone exists nearby), or passersby. See Activity Vehicle: Breakdown-Emergency Report Form
  - a. Location of accident.
  - b. Vehicle number (if marked) and activity group.
  - c. Any injuries or suspected injuries.

- d. Extent of vehicle damage and other vehicular involvement.
  - e. Disposition of the vehicle – blocking traffic, vehicle on side, in culvert, etc.
  - f. Any fuel leakage.
2. The School or Transportation Department will initiate the following action:
- a. Notify the appropriate local law enforcement agency (police or sheriff, etc.), if required.
  - b. Request ambulance and/or fire department services, if required.
  - c. Advise principal(s) of school(s) affected.
  - d. Notify parents as per policy.
  - e. Dispatch replacement vehicle and driver to the scene of the accident, if required.
  - f. Notify others as per district policy.
3. The following reports will be completed by the driver and submitted to the school official for review and distribution within time to meet reporting requirements. These forms may be obtained from the school office or the Transportation Department.
- a. School Bus Accident Report, Oregon Department of Education, Pupil Transportation Services, Form 581-2250-M (OAR 581-053-0330(1)(b)). Due within 72 hours.
  - b. Traffic Accident and Insurance Report, Oregon Department of Transportation, Form 735-32. Due within 72 hours.
  - c. Student Injury Report and other reports as required by the school or Transportation Department.

## MISCELLANEOUS REGULATIONS

### DRIVING HOURS

An activity vehicle driver may only drive for 3 hours without taking a 15 minute break from driving duties. The maximum driving time may not exceed 10 hours in a 15 hour period. These hours may not be extended except in emergency situations. Examples of an emergency might be mechanical breakdown, adverse road conditions, or accident. Examples of situations that would **not** constitute an emergency would be a dinner stop that runs long, or a trip that would ordinarily take longer than the allowed amount of time left to the driver.

When planning a trip, keep in mind it will take longer in an activity vehicle than in your personal automobile. The activity vehicle in most cases will travel at a slower speed than your personal automobile. Stopping for a rest break is required every three hours, and may not be something you normally do in your personal vehicle.

### SPEED LAWS

An activity vehicle driver must obey all speed limits or laws. In Oregon, the maximum speed for a school activity vehicle is the posted truck speed, if different than the posted speed for passenger vehicles (ORS 811.111). This is the case for any Type 10 vehicle with students aboard, as well as for other activity vehicle types.

Violation of the speed limit will not reflect well for the school and can create an unsafe situation. A well prepared driver will depart for the trip with the proper amount of time to get to the activity without violating the speed limit. Late arrival will not improve performance of the students in their activity, and neither will a trip that is unsafe. Should a crash occur, the arrival will be even later.

### SEAT BELTS AND SAFETY SYSTEMS

Seat belts or restraints must be used by occupants when the vehicle is in operation. There are no exemptions for activity vehicles. Failure to do so could result in a citation for each person who is not wearing the seat belt or safety harness correctly (ORS 811.210).

## CELL PHONES

An activity driver shall “Not use a cell phone, with or without a hands free device, while driving a type 10 vehicle unless calling 911 to report an emergency situation.”

(OAR 581-053-0330(1)(bb))

## CARGO

Ideally, everything except the passengers would travel in the Type 10 vehicle’s storage areas; Type 20 activity vehicles rarely have this luxury. The safest way to carry clothing, packs, and special athletic or musical equipment is to send it in a separate vehicle if it will not fit in storage areas (the trunk or cargo area of an MPV). Care should be used when loading and storing cargo if it is transported in the same vehicle as passengers.

The floor and exits (including exit windows) must be kept clear. Heavy items should go in first, to be placed as low as possible, and nothing should extend higher than a seat back.

All items likely to cause injury to a passenger in the event of an accident must be secured.

## FUELING

Fueling the vehicle is best done when the vehicle is not needed for transporting passengers. Fueling should be done before picking up the passengers or at the end of the trip when the passengers have been returned to the school or their final destination. This may not always be possible, such as when a trip will exceed the distance the vehicle may travel without fueling. In these situations, all passengers (including other adults traveling with the group) must exit the vehicle while it is being fueled. The engine in all cases must be turned off (OAR 581-053-0330(1)(t)).

## **HOME TO SCHOOL SERVICE**

One allowable use of Type 10 vehicles under Oregon Administrative Rule is to provide service from home to school at the beginning of the school day, and from school to home at the end of the school day. While Type 20 vehicles are specifically disallowed from use in home to school service, some students might need transportation outside of a school bus context. Behavioral challenges might require that a student be transported individually rather than sharing a ride with other students on a school bus route. If a student has an individual education plan, the school may be required to provide some kind of transportation even if the student cannot share a ride with others safely or respectfully. Some students may fall under the provisions of the McKinney Vento act, assuring displaced students enrollment and transportation to their school of origin, and in many cases a district may find a Type 10 vehicle to be a better allocation of resources than sending a school bus to another area outside the district. Whatever the reason may be, drivers who operate a fixed route on a daily or regular basis should be aware of some basic best practices to support safety and dignity for the students they transport.

### VEHICLE INSPECTION & APPROVAL

Before a vehicle may be used for home to school transportation of school pupils, it must receive a documented inspection by an ODE certified Inspector according to ODE's standards (another type of inspection, while it may be required by local policy, will not suffice). Pupil transportation entities should be sure that a license approval is submitted and approved by ODE before using a new Type 10 vehicle, including those contracted by private companies for the district's service.

### TRAINING

Before a driver may transport students from home to school in a Type 10 vehicle, they must demonstrate their qualification and ability to do so. Oregon Administrative Rule 581-053-0320 requires a Type 10 driver to complete a written knowledge test and a driving skills test. The skills test may be offered by any location employee the district's leadership has determined to be competent to administer the test. ODE may offer a standardized test, but the location should determine what skills are important for determining a driver's competency and document them in the driver's training file. Important aspects may include the driver's ability to safely and wisely operate the vehicle on local roadways, obey traffic laws (including speed limits), park the vehicle

safely, and re-enter traffic from a parked position. As locally applicable, it may also be important to demonstrate the ability to navigate city streets or rural roads, or operate in inclement weather as the school schedule may require. A driver must not provide home to school service before testing is completed and documented.

If a driver provides transportation from home to school for students with special needs, it is imperative that the driver be trained in how to address the specific special needs of the student(s) they will transport, including communication, behavior management, physical supports and/or securements (for example, car seats, safety support vests, or buckle guards), and how to respond to any specific medical protocols. No specific curriculum is required, but if the driver is not provided with such training, they may find themselves unprepared, or worse, unable to respond to the student in the course of daily service, so be sure that you have the information you need. In the event of an emergency or the need to evacuate the vehicle, this becomes even more crucial. While sensitive medical or behavioral information should be handled confidentially, drivers must be given enough information to appropriately assist the students in their care.

### LOADING & UNLOADING

A Type 10 vehicle does not have the equipment required to regulate the flow of traffic on public streets like a school bus does, and so pickup and drop-off must be coordinated out of the flow of traffic. Ideally, the driver would be able to position the vehicle in a parking lot, or against the curb and out of the traveled roadway. If a student's home address is located on a roadway without curb parking, the Type 10 driver should attempt to enter a driveway (where it exists), or arrange for pickup near the home address where the vehicle can be safely stationed against a curb or off the traveled roadway. Loading students when stationed in the traveled portion of the roadway increases the risk that another driver may collide with the Type 10 vehicle, perhaps when the student is entering the vehicle. It also increases the chance that a student may be struck by another driver's vehicle as they approach the Type 10 vehicle. Even though it may be less convenient, it is always safest to arrange for a regular pickup and drop-off location where the conditions above may be met.

When dropping off and picking up students at the school, it may be necessary to use a different location than where school buses load and unload, either for space and logistics, or for safety. Be sure to communicate with the school on where the appropriate location is for the student riding

in the Type 10 vehicle. It is always advised to document this in routing directions and ensure that dispatchers and supervisors are aware of these details. If substitute drivers perform home to school service, they may also need these details.

## APPENDIX A

### OREGON ADMINISTRATIVE RULES

#### OAD 581-053-0003 (EXCERPTS)

##### Definitions

The following terms used in OAR chapter 581, division 53 shall be defined as follows:

(1) "Accident" means an occurrence that results in any of the following:

(a) An injury requiring medical or dental treatment.

(b) Combined vehicle and property damage in excess of \$500. This includes:

(A) Damage to the school bus or school activity vehicle; and

(B) Damage to property other than the school bus or school activity vehicle, including damage to another school bus or school activity vehicle, or transportation entity property.

(2) "Activity trip" means transportation between a school or location to another school or location, but not home-to-school.

...

(5) "Authorized official" means a person designated by the local employer.

...

(11) "Chaperone" means a person authorized by the school district.

...

(22) "Home to School" means transportation between the student's residence, babysitter, daycare or designated pick up or drop off spot and their educational facility.

...

(31) "School board" means the governing board or governing body of the transportation entity.

(32) "School activity vehicle" is defined in ORS 801.455 and includes all such vehicles that are owned, leased, or rented by a transportation entity.

(33) School Activity Vehicle Types:

(a) "Type 10 vehicle" means a vehicle that has a capacity of not more than ten persons, a gross vehicle weight rating of not more than 10,000 pounds and are used to transport students to and from school or authorized school activities.

...

(40) "Trained in first aid" means a person who possesses a valid first aid card verifying completion of a hands-on first aid class that meets the requirements of the American Red Cross first aid program or an equivalent course that is consistent with the Best Practices Guide: Fundamentals of a Workplace First-Aid Program (OSHA 3317-2006) published by the Occupational Safety Health Administration, U.S. Department of Labor. The training program shall include instructor observation of acquired skills and shall include, but not be limited to, the following training:

(a) Curriculum based on a consensus of scientific evidence;

(b) Treating airway obstruction in a conscious victim;

(c) Recognizing the signs and symptoms of shock and providing first aid for shock due to illness or injury;

(d) Controlling bleeding with direct pressure;

(e) Poisoning;

(f) Wounds;

(g) Burns;

(h) Temperature Extremes;

(i) Musculoskeletal Injuries;

(j) Eye Injuries;

(k) Mouth and Teeth Injuries; and

(l) Bites and Stings.

**OAR 581-053-0021 (6) & (13)**

**Minimum Record Retention Requirements**

- (6) Approval of a type 10 driver shall be retained until the transportation entity or contractor notifies ODE that the driver is no longer active with them.
  
- (13) Skills tests administered to school bus, type 10, type 20, or type 21 drivers shall be retained until one year after the driver is made inactive with ODE.

## **OAR 581-053-0031**

### **Driving Hour Limitations**

- (1) A driver of a school bus or school activity vehicle shall comply with one of the following driving hour regulations:
  - (a) Following eight hours free from driving a school bus or school activity vehicle, a driver may drive a school bus or school activity vehicle for ten hours in a 15 hour period; or
  - (b) Following eight hours free from driving a school bus or school activity vehicle, a driver may:
    - (A) Drive a morning route transporting students from home to school;
    - (B) Be free from driving a school bus or school activity vehicle for a minimum of four consecutive hours; and
    - (C) Drive a school bus or school activity vehicle for eight hours:
      - (i) In a ten hour period; or
      - (ii) Until midnight.
- (2) A driver shall not drive more than three hours continuously without taking at least a 15-minute break from driving duties;
- (3) Notwithstanding section (1) of this rule, in the event of an emergency or unforeseen circumstance a driver may complete the trip without being in violation of the provisions of this rule if such trip could have reasonably been completed as originally scheduled without violation of this rule.
- (4) Notwithstanding all other sections of this rule, SPAB drivers shall follow FMCSA Hours of Service for Drivers regulations found at 49 CFR 395.

**OAR 581-053-0050**

**Driving and Criminal Records**

(1) The Oregon Department of Education shall review the driving record of each applicant for certification or approval as a school bus or school activity driver. Applicants who have held a driver license in a state other than Oregon anytime during the preceding three-year period may be required to furnish a copy of the driving record from each state in which the applicant has held a driver license to ODE. If the driver currently holds a driver license from another state, the driving record shall be printed no more than 30 days prior to the date received by ODE.

(2) ODE shall review the criminal record of each applicant for certification or approval as a school bus or school activity driver.

(3) An applicant does not qualify as a school bus or school activity driver if the applicant:

(a) Has ever been convicted of a crime listed in ORS 342.143 (Forever Crime); or,

(b) Is currently subject to mandatory registration reporting as a sex offender in this state or any other jurisdiction; or,

(c) Has ever been convicted of a crime involving violence, threat of violence or theft. This shall not apply if the applicant or driver has been free from custody, probation and parole for the preceding three-year period from date of application; or,

(d) Has ever been convicted of a crime involving activity in drugs or alcoholic beverages. This shall not apply if the applicant or driver has been free from custody, probation, and parole for the preceding three-year period from date of application; or,

(e) Has had his or her driving privileges suspended by any state, within the preceding three-year period, for a cause involving the unsafe operation of a motor vehicle or because of driving record.

(f) Is required to use an ignition interlock device (IID).

(g) Has been convicted within the preceding three-year period of:

(A) Driving under the influence of intoxicants, as defined in ORS 813.010;

(B) Reckless driving, as defined in ORS 811.140;

(C) Fleeing or attempting to elude a police officer, as defined in under ORS 811.540;

(D) Failure to perform the duties of a driver involved in an accident or collision which results in injury or death of any person, as described in ORS 811.705; or

(E) An equivalent out of state conviction for any of the above.

(h) Has had his or her driving privileges revoked or suspended as a habitual offender under ORS 809.600. This shall not apply if applicant or driver has had his or her driving privileges restored under ORS 809.660 for the preceding three years;

(i) Has a driving record for the preceding three-year period that has an accumulation of 31 or more points based upon the following point system:

(A) Each chargeable accident shall have a value of 10 points. Applicable traffic code and preventability guidelines published by the National Safety Council and the Pupil Transportation Safety Institute may be used to determine if an accident is chargeable; and

(B) Each of the traffic violations on Table 1 shall have a value of 10 points.

(C) One point shall be subtracted from the total number of points for each full month, since the last chargeable accident or conviction, to the time of driving record check; however, all subtracted points will be reinstated if any additional qualifying convictions or chargeable accidents occur within the three-year calculation period.

[ED. NOTE: Tables referenced are available from the agency.]

## **OAR 581-053-0310**

### **Administrative Requirements Pertaining to Type 10 School Activity Vehicles**

- (1) Type 10 vehicles may be used for transportation from home to school, school to home, and to and from authorized school activities.
- (2) Each transportation entity that operates type 10 school activity vehicles shall implement written procedures to ensure compliance with applicable rules and laws.
- (3) If type 10 school activity vehicles are used for home to school transportation, then the school board shall adopt and implement a written transportation policy as outlined in OAR 581-053-0210 (1) and ensure safety instruction is provided as required in OAR 581-053-0210 (2).
- (4) Transportation entity shall notify ODE within 30 days if a type 10 driver, who is on an approved list, is no longer employed or performing the duties of a type 10 driver.

## **OAR 581-053-0320**

### **Type 10 Driver Training and Approval**

Oregon Department of Education shall approve a type 10 driver who:

- (1) Is at least 18 years of age;
- (2) Possesses a valid driver license or commercial driver license;
- (3) Is not disqualified based on driving or criminal record as required in OAR 581-053-0050;
- (4) Receives emergency procedure and evacuation training, vehicle Pretrip inspection training and all other training as determined necessary by the transportation entity;
- (5) Submits an application for type 10 driver approval signed by a supervisor certifying:
  - (a) The employer will immediately notify ODE if the employer learns of any changes to the applicant's driving and criminal records that could disqualify them from driving under OAR 581-053-0050 and ensure that the driver complies with all applicable OARs;
  - (b) The applicant will be trained in first aid within 120 days of ODE approval. The applicant shall remain trained in first aid to maintain approval with ODE.
- (6) A type 10 driver may use a type 10 vehicle for a regular home to school route if:
  - (a) The applicant meets all minimum requirements for a type 10 driver listed in this rule;
  - (b) The applicant demonstrates the knowledge and ability to operate a type 10 vehicle safely and to perform related duties; and
  - (c) The applicant has passed a driving skills test and written knowledge test of laws and regulations if the applicant will be transporting students from home to school.
- (7) ODE shall maintain a list of approved drivers for each school district. The approved driver list will be sent to each transportation entity twice a year, and shall be made available on request.

- (8) Occasional/emergency use provision - A person who does not currently meet the driver requirements for a type 10 vehicle may be used on an occasional/emergency basis if such driver:
- (a) Is judged competent by the local supervisor;
  - (b) possesses a valid driver license or commercial driver license;
  - (c) Does not operate vehicles under this provision more than three days in any given fiscal year (July 1 to June 30); and
  - (d) Is not transporting students to and from school on regularly scheduled routes.
- (9) ODE may issue a certificate for a Type 10 driver to provide transportation for multiple transportation entities if an application is made by a transportation entity that will serve as sponsor for the certificate and maintain records of required training and testing of such a driver. Type 10 certificates shall expire two years after the date issued by ODE.
- (10) Type 10 certificates shall be immediately invalid if:
- (a) The driver fails to maintain first aid certification after the initial 120 day period; or
  - (b) The transportation entity notifies ODE that the driver is no longer employed with the entity or is no longer performing duties related to type 10 driving, and the entity is no longer ensuring the driver's compliance with applicable OARs.

## **OAR 581-053-0330**

### **Rules Pertaining to Type 10 Drivers**

- (1) A type 10 driver shall:
  - (a) Receive specialized training designed for special education transportation prior to transporting students with disabilities.
  - (b) Submit written reports of accidents involving the type 10 vehicle to ODE.
  - (c) Report to his/her employer(s) within 15 days:
    - (A) Any conviction for driving or criminal offenses specified in OAR 581-053-0050;
    - (B) Any involvement in an accident; or
    - (C) If their driver license is no longer valid.
  - (d) Make other reports as required by the transportation entity, ODE, and DMV.
  - (e) Not operate a vehicle with more passengers than the manufacturer's rated capacity.
  - (f) Instruct passengers to use seat belts at all times the vehicle is in motion.
  - (g) Maintain order in the vehicle at all times.
  - (h) The inside of the vehicle shall be kept clean.
  - (i) See that all doors on the vehicle are kept closed while the vehicle is in motion.
  - (j) Not permit anyone else to operate the vehicle except with the permission of transportation entity supervisor.
  - (k) Make certain that all passageways are kept clear.
  - (l) Make sure all doors including emergency exits are unlocked during vehicle operation.
  - (m) Not use tobacco in the vehicle and shall not permit passengers to use tobacco in the vehicle.

- (n) Not be under the influence of any alcoholic beverage or any drug likely to affect the person's ability to operate a vehicle safely while on duty.
- (o) Not consume any alcoholic beverage regardless of its alcoholic content or any drug likely to affect a person's ability to operate a vehicle safely while operating or within eight hours before operating a type 10 vehicle.
- (p) Not permit signs of any kind to be attached to the vehicle except those specifically permitted by law or regulation.
- (q) Not permit animals in the vehicle except guide dogs and assistance animals from recognized programs that will be accepted when accompanying blind, deaf, or physically impaired persons. Guide/assistance animals or animals in training as defined in ORS 346.680 are also accepted.
- (r) Not permit firearms, other weapons, or potentially hazardous materials in the vehicle.
- (s) Secure any article in the passenger compartment likely to cause injury to a passenger in the event of an accident.
- (t) Not fill the fuel tank while passengers are in the vehicle or while the motor is running.
- (u) Not leave the vehicle when passengers are aboard until the motor is shut off, the brakes set, a manual transmission put in gear and the key removed from the ignition.
- (v) Report as soon as possible to the proper official any deficiency or malfunction of any equipment or component of the vehicle.
- (w) Not alter routes unless approved by transportation entity.
- (x) Shall use all securement straps and attachments for students with adaptive/assistive devices in a manner consistent with their design.
- (y) Not transport students unless the vehicle is safe to operate.
- (z) Observe all local and state traffic laws and ordinances.
- (aa) Complete any training required by ODE or local employer.

- (bb) Not use a cell phone, with or without a hands free device, while driving a type 10 vehicle unless calling 911 to report an emergency situation.
  - (cc) Not tow a trailer with a gross vehicle weight rating (GVWR) of more than 10,000 pounds, or of a weight greater than recommended by the towing vehicle's manufacturer or by the hitch manufacturer, whichever is less.
- (2) If the type 10 is used for home to school transportation, then the driver shall inspect the following prior to each trip, unless the inspection is performed by other designated employees:
- (a) Windshield and wipers;
  - (b) All outside lights;
  - (c) Service door, emergency door and buzzer;
  - (d) Tires and wheel lug nuts;
  - (e) Battery, belts, oil, and coolant level;
  - (f) Horns;
  - (g) Brakes;
  - (h) Steering;
  - (i) Exhaust system;
  - (j) Emergency equipment; and
  - (k) See that lights, windshield and mirrors are clean.

**OAR 581-053-0340**

**Minimum Standards for Type 10 School Activity Vehicles**

- (1) Vehicle certification tag shall not indicate that the vehicle is a 'Bus'.
- (2) Vehicle construction shall be according to manufacturers' standard for all vehicles having a capacity of ten or fewer persons including the driver. Capacity shall be based on each vehicle's manufacturer-designated seating capacity;
- (3) In addition to the manufacturers' standard equipment, type 10 vehicles shall have all emergency equipment as listed for school buses in OAR 581-053-0240.

**OAR 581-053-0240 (23)**

**(23) Emergency Equipment**

- (a) Belt cutter: Each bus equipped with passenger seat belts or webbed restraining devices shall have a belt cutter mounted in the driver's compartment within reach of a driver sitting in the driver's seat. Belt cutter shall be of a design offering protected cutting edges to prevent accidental or intentional injury to drivers or passengers;
- (b) Emergency road reflectors:
  - (A) Each bus shall be equipped with at least three reflex reflective triangle vehicle warning devices that conform to 49 CFR 581.125;
  - (B) Reflectors must be in a container securely mounted with nut-and-bolt fasteners enhanced with large flat (fender) washers or held in place by a nut-and-bolt mounted metal bracket that also protects and secures the container lid. Both shall be located in an accessible location. Reflectors shall not be mounted in any engine compartment;
- (c) Body fluid cleanup kit: Buses shall have a removable moisture proof and dust proof body fluid cleanup kit, mounted in an accessible place within the driver's compartment. Contents shall include at least the following items:
  - (A) Two pair rubber/latex gloves;
  - (B) Two four-ounce packages of stabilized chlorine absorbent deodorant (or equivalent) capable of stabilizing at least 1 liter/36 fl. oz. of body fluids;
  - (C) One spatula for pickup of congealed fluid;
  - (D) One plastic bag in which to place congealed fluid;
  - (E) One red plastic bag with tie, identified for infectious waste and as a bio-hazard;

- (F) One two-ounce bottle of germicidal detergent to apply to a contaminated area;
  - (G) Four paper towels to wipe up contaminated area;
  - (H) One one-ounce antiseptic alcohol hand rinse (or equivalent);
  - (I) One placard of step by step use instructions;
  - (J) Germicidal detergents, stabilized chlorine absorbent deodorant, alcohol hand rinse, or their equivalents shall provide documentation of EPA approval regarding their microbiological efficacy for at least the following:
    - (i) Staphylococcus aureus;
    - (ii) Pseudomonas aeruginosa;
    - (iii) Salmonella choleraesuis;
    - (iv) Streptococcus species;
    - (v) Herpes simplex Type II;
    - (vi) HIV (Associated with AIDS);
    - (vii) Fungi (athlete's foot);
    - (viii) Poliovirus; and
    - (ix) Tuberculosis.
  - (K) Documentation of efficacy for Hepatitis B may be hospital or test studies. The certified effective shelf life of these products shall be a minimum of 12 months. Product expiration date shall be clearly displayed on all time-sensitive products.
- (d) Fire extinguishers:
- (A) Each bus shall be equipped with at least one pressurized, dry, chemical type fire extinguisher, mounted in a bracket, located in the driver's

compartment, and readily accessible. A pressure gauge shall be mounted on the extinguisher so as to be readily read without removing the extinguisher from its mounted position;

- (B) The fire extinguisher shall be of a type approved by the Underwriters Laboratories, Inc., with a rating of not less than 2 A-10 BC. The extinguisher shall have a minimum five pound capacity and equipped with a hose and nozzle;
  - (C) The operating mechanism shall be sealed with a type of seal that will not interfere with the use of the fire extinguisher;
  - (D) Extinguishers with plastic heads are not permitted.
- (e) First aid kit:
- (A) Each bus shall have a readily removable, moisture proof and dustproof first-aid kit container mounted in an accessible place within driver's compartment;
  - (B) The first aid kit contains a minimum of 24 units that shall include the following:
    - (i) One 1" adhesive compress — 16 per unit;
    - (ii) Two 2" bandage compress — 4 per unit;
    - (iii) Two 3" bandage compress — 2 per unit;
    - (iv) Two 4" bandage compress — 1 per unit;
    - (v) Two 3" x 3" plain gauze pads — 4 per unit;
    - (vi) Two 2" x 6 yards gauze roller bandage — 1 per unit;
    - (vii) Three 1/2 square yard gauze;
    - (viii) Three 24" x 72" gauze;

- (ix) Four triangular bandages;
  - (x) One 1/2 x 5 yard adhesive tape - one per unit;
  - (xi) One round nose scissors and tweezers. Latex gloves - one pair; and
  - (xii) One micro-shield for mouth-to-mouth airway (to lay on top of other contents).
- (C) Specific local requirements may be substituted in lieu of 2 units of 1/2 square yard gauze.
- (f) Any piece of emergency equipment may be mounted in an enclosed compartment, provided the compartment is labeled in not less than 1 inch letters, identifying each piece of equipment contained therein. If emergency road reflectors are stored outside the driver's compartment, the location of the triangles shall be displayed in a readily viewable location by the driver in minimum 1 inch letters.

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## APPENDIX B

### OREGON REVISED STATUTES

#### ORS 30.800

##### **Liability for emergency medical assistance by medically trained persons.**

(1) As used in this section and ORS 30.805, “emergency medical assistance” means:

(a) Medical or dental care not provided in a place where emergency medical or dental care is regularly available, including but not limited to a hospital, industrial first-aid station or the office of a physician, naturopathic physician, physician assistant or dentist, given voluntarily and without the expectation of compensation to an injured person who is in need of immediate medical or dental care and under emergency circumstances that suggest that the giving of assistance is the only alternative to death or serious physical aftereffects; or

(b) Medical care provided voluntarily in good faith and without expectation of compensation by a physician licensed under ORS chapter 677, a physician assistant licensed under ORS 677.505 to 677.525, a nurse practitioner licensed under ORS 678.375 to 678.390 or a naturopathic physician licensed under ORS chapter 685 and in the person’s professional capacity as a provider of health care for an athletic team at a public or private school or college athletic event or as a volunteer provider of health care at other athletic events.

(2) No person may maintain an action for damages for injury, death or loss that results from acts or omissions of a person while rendering emergency medical assistance unless it is alleged and proved by the complaining party that the person was grossly negligent in rendering the emergency medical assistance.

(3) The giving of emergency medical assistance by a person does not, of itself, establish a professional relationship between the person giving the assistance and the person receiving the assistance insofar as the relationship carries with it any duty to provide or arrange for further medical care for the injured person after the giving of emergency medical assistance.

## **ORS 30.805**

### **Liability for emergency medical assistance by government personnel.**

- (1) No person may maintain an action for damages for injury, death or loss that results from acts or omissions in rendering emergency medical assistance unless it is alleged and proved by the complaining party that the acts or omissions violate the standards of reasonable care under the circumstances in which the emergency medical assistance was rendered, if the action is against:
  - (a) The staff person of a governmental agency or other entity if the staff person and the agency or entity are authorized within the scope of their official duties or licenses to provide emergency medical care; or
  - (b) A governmental agency or other entity that employs, trains, supervises or sponsors the staff person.
  
- (2) As used in this section, “emergency medical care” means medical care to an injured or ill person who is in need of immediate medical care:
  - (a) Under emergency circumstances that suggest that the giving of assistance is the only alternative to serious physical aftereffects or death;
  - (b) In a place where emergency medical care is not regularly available;
  - (c) In the absence of a personal refusal of such medical care by the injured or ill person or the responsible relative of such person; and
  - (d) Which may include medical care provided through means of radio or telecommunication by a medically trained person, who practices in a hospital as defined in ORS 442.015 and licensed under ORS 441.015 to 441.087, and who is not at the location of the injured or ill person.

## ORS 811.111

### Violating a speed limit; penalty.

(1) A person commits the offense of violating a speed limit if the person:

(a) Drives a vehicle on an interstate highway, except for the portions of interstate highway described in subsection (2) of this section, at a speed greater than 65 miles per hour or, if a different speed is posted under ORS 810.180, at a speed greater than the posted speed.

(b) Notwithstanding paragraph (a) of this subsection, drives any of the following vehicles at a speed greater than 55 miles per hour on any highway, except for the portions of highway described in subsections (2) to (12) of this section, or, if a different speed is posted under ORS 810.180, at a speed greater than the posted speed:

(A) A motor truck with a gross vehicle weight rating of more than 10,000 pounds or a truck tractor with a gross vehicle weight rating of more than 8,000 pounds.

(B) A school bus.

(C) A school activity vehicle.

(D) A worker transport bus.

(E) A bus operated for transporting children to and from church or an activity or function authorized by a church.

(F) Any vehicle used in the transportation of persons for hire by a nonprofit entity.

(c) Drives a vehicle or conveyance on any part of the ocean shore in this state at a speed greater than any of the following:

(A) Any designated speed for ocean shores that is established and posted under ORS 810.180.

(B) If no designated speed is posted under ORS 810.180, 25 miles per hour.

(d) Except as otherwise provided in this section, drives a vehicle upon a highway at a speed greater than a speed posted by authority granted under ORS 810.180 or, if no designated speed is posted, the following:

(A) Fifteen miles per hour when driving on an alley or a narrow residential roadway.

(B) Twenty miles per hour in a business district.

(C) Twenty-five miles per hour in a public park.

(D) Twenty-five miles per hour on a highway in a residence district if the highway is not an arterial highway.

(E) Sixty-five miles per hour on an interstate highway.

(F) Fifty-five miles per hour in locations not otherwise described in this paragraph.

(e) Drives a vehicle in a school zone at a speed greater than 20 miles per hour if the school zone is:

(A) A segment of highway described in ORS 801.462 (1)(a) and:

(i) The school zone has a flashing light used as a traffic control device and operated as provided under ORS 810.243; or

(ii) If the school zone does not have a flashing light used as a traffic control device, the person drives in the school zone between 7 a.m. and 5 p.m. on a day when school is in session.

(B) A crosswalk described in ORS 801.462 (1)(b) and:

(i) A flashing light is used as a traffic control device and operated as provided under ORS 810.243; or

(ii) Children are present, as described in ORS 811.124.

(2) A person commits the offense of violating a speed limit if the person drives a vehicle on the portion of Interstate 84 beginning at the eastern city limit of The Dalles and ending at the Idaho state line at a speed greater than:

(a) Sixty-five miles per hour for vehicles described in subsection (1)(b) of this section; or

(b) Seventy miles per hour for all other vehicles.

(3) A person commits the offense of violating a speed limit if the person drives a vehicle on the portion of U.S. Highway 95 beginning at the Idaho state line and ending at the Nevada state line at a speed greater than:

(a) Sixty-five miles per hour for vehicles described in subsection (1)(b) of this section; or

(b) Seventy miles per hour for all other vehicles.

(4) A person commits the offense of violating a speed limit if the person drives a vehicle on the portion of U.S. Highway 20 beginning in Bend and ending in Ontario at a speed greater than:

(a) Sixty miles per hour for vehicles described in subsection (1)(b) of this section; or

(b) Sixty-five miles per hour for all other vehicles.

(5) A person commits the offense of violating a speed limit if the person drives a vehicle on the portion of U.S. Highway 197 beginning in The Dalles and ending at its intersection with U.S. Highway 97 and the portion of U.S. Highway 97 beginning at its intersection with U.S. Highway 197 and ending at the California state line at a speed greater than:

(a) Sixty miles per hour for vehicles described in subsection (1)(b) of this section; or

(b) Sixty-five miles per hour for all other vehicles.

(6) A person commits the offense of violating a speed limit if the person drives a vehicle on the portion of State Highway 31 beginning in Valley Falls and ending in La Pine at a speed greater than:

(a) Sixty miles per hour for vehicles described in subsection (1)(b) of this section; or

(b) Sixty-five miles per hour for all other vehicles.

(7) A person commits the offense of violating a speed limit if the person drives a vehicle on the portion of State Highway 78 beginning in Burns Junction and ending in Burns at a speed greater than:

(a) Sixty miles per hour for vehicles described in subsection (1)(b) of this section; or

(b) Sixty-five miles per hour for all other vehicles.

(8) A person commits the offense of violating a speed limit if the person drives a vehicle on the portion of U.S. Highway 395 beginning in Burns and ending in John Day at a speed greater than:

(a) Sixty miles per hour for vehicles described in subsection (1)(b) of this section; or

(b) Sixty-five miles per hour for all other vehicles.

(9) A person commits the offense of violating a speed limit if the person drives a vehicle on the portion of U.S. Highway 395 beginning in Riley and ending at the California state line at a speed greater than:

(a) Sixty miles per hour for vehicles described in subsection (1)(b) of this section; or

(b) Sixty-five miles per hour for all other vehicles.

(10) A person commits the offense of violating a speed limit if the person drives a vehicle on the portion of Oregon Route 205 beginning in Burns and ending in Frenchglen at a speed greater than:

(a) Sixty miles per hour for vehicles described in subsection (1)(b) of this section; or

(b) Sixty-five miles per hour for all other vehicles.

(11) A person commits the offense of violating a speed limit if the person drives a vehicle on the portion of U.S. Highway 26 beginning in John Day and ending in Vale at a speed greater than:

(a) Sixty miles per hour for vehicles described in subsection (1)(b) of this section; or

(b) Sixty-five miles per hour for all other vehicles.

(12) A person commits the offense of violating a speed limit if the person drives a vehicle on the portion of Interstate 82 beginning at the Washington state line and ending at its intersection with Interstate 84 at a speed greater than:

(a) Sixty-five miles per hour for vehicles described in subsection (1)(b) of this section; or

(b) Seventy miles per hour for all other vehicles.

(13) The speed limits described in subsections (3) to (5) of this section do not apply to portions of highways inside of a city in this state.

(14) The offense described in this section, violating a speed limit, is punishable as provided in ORS 811.109.

## **ORS 811.210**

### **Failure to use safety belts; penalty.**

(1)

(a) Except as provided in ORS 811.215, a person commits the offense of failure to properly use safety belts if the person:

(A) Operates a motor vehicle on the highways of this state and is not properly secured with a safety belt or safety harness as required by subsection (2) of this section.

(B) Is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child who is under 16 years of age and the child, while operating on public lands a Class I, Class II or Class IV all-terrain vehicle that is not registered under ORS 803.420, is not properly secured with a safety belt or safety harness.

(C) Is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child who is under 16 years of age and the child, while operating on public lands a Class II all-terrain vehicle registered under ORS 803.420, is not properly secured with a safety belt or safety harness as required by subsection (2) of this section.

(D) Operates a motor vehicle on the highways of this state with a passenger who is under 16 years of age and the passenger is not properly secured with a child safety system, safety belt or safety harness as required by subsection (2) of this section.

(E) Is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child who is under 16 years of age and the child, while riding on public lands in or on a Class I, Class II or Class IV all-terrain vehicle that is not registered under ORS 803.420, is not properly secured with a safety belt or safety harness.

(F) Is the parent, legal guardian or person with legal responsibility for the safety and welfare of a child who is under 16 years of age and the child, while riding on

public lands in or on a Class II all-terrain vehicle registered under ORS 803.420, is not properly secured with a safety belt or safety harness as required by subsection (2) of this section.

(G) Is a passenger in a privately owned commercial vehicle, as defined in ORS 801.210, that is designed and used for the transportation of 15 or fewer persons, including the driver, and the person is 16 years of age or older and is responsible for another passenger who is not properly secured with a child safety system as required under subsection (2)(a), (b) or (c) of this section.

(H) Is a passenger in a motor vehicle being operated on the highways of this state who is 16 years of age or older and who is not properly secured with a safety belt or safety harness as required by subsection (2) of this section.

(b) As used in this subsection, “public lands” includes privately owned land that is open to the general public for the use of all-terrain vehicles as the result of funding from the All-Terrain Vehicle Account under ORS 390.560.

(2) To comply with this section:

(a) A person who is under two years of age must be properly secured with a child safety system in a rear-facing position.

(b) A person who weighs 40 pounds or less must be properly secured with a child safety system that meets the minimum standards and specifications established by the Department of Transportation under ORS 815.055 for child safety systems designed for children weighing 40 pounds or less.

(c) Except as provided in subsection (3) of this section, a person who weighs more than 40 pounds and who is four feet nine inches or shorter must be properly secured with a child safety system that elevates the person so that a safety belt or safety harness properly fits the person. As used in this paragraph, “properly fits” means the lap belt of the safety belt or safety harness is positioned low across the thighs and the shoulder belt is positioned over the collarbone and away from the neck. The child safety system shall meet the minimum standards and specifications established by the department under ORS 815.055 for child safety systems designed for children who are four feet nine inches or shorter.

(d) A person who is taller than four feet nine inches must be properly secured with a safety belt or safety harness that meets requirements under ORS 815.055.

(e) Notwithstanding paragraphs (b) and (c) of this subsection, a person who is eight years of age or older need not be secured with a child safety system but must be properly secured with a safety belt or safety harness that meets requirements under ORS 815.055.

(3) The requirements of subsection (2)(c) of this section do not apply:

(a) If the rear seat of a vehicle is not equipped with shoulder belts, provided the person is secured by a lap belt; or

(b) If the child is properly secured with a child safety system that meets the minimum standards and specifications established by the department under ORS 815.055 for child safety systems designed for children weighing more than 40 pounds.

(4) The offense described in this section, failure to properly use safety belts, is a Class D traffic violation.

## **ORS 811.225**

### **Failure to maintain safety belts in working order; penalty.**

- (1) The registered owner of a motor vehicle commits the offense of failure of an owner to maintain safety belts in working order if:
  - (a) The vehicle is equipped with safety belts or safety harnesses that meet the standards established under ORS 815.055; and
  - (b) The owner fails to maintain the safety belts or safety harnesses in a condition that will enable occupants of all seating positions equipped with safety belts or safety harnesses to use the belts or harnesses.
- (2) The offense described in this section, failure of an owner to maintain safety belts in working order, is a Class C traffic violation. [1991 c.2 §5; 1995 c.383 §118; 2003 c.158 §10]

## ORS 811.455

### **Failure to stop for railroad signal; penalty.**

(1) A person commits the offense of failure to stop for a railroad signal if the person fails to comply with any of the following requirements:

(a) A person who is driving a vehicle must stop the vehicle at a clearly marked stop line on the near side of a railroad crossing or, if there is no clearly marked stop line, not less than 15 feet nor more than 50 feet from the nearest rail of the crossing under any of the following circumstances:

(A) When a clearly visible electric or mechanical signal is given by a device that warns of the immediate approach of a railroad train or other on-track equipment.

(B) Upon the lowering of a crossing gate.

(C) When a signal given by a flagger or police officer indicates the approach or passage of a railroad train or other on-track equipment.

(D) When an approaching train or other on-track equipment is clearly visible and because of its nearness to the crossing is an immediate hazard.

(E) When an audible signal is given by an approaching railroad train or other on-track equipment because its speed or nearness to the crossing is an immediate hazard.

(b) A driver who has stopped for the passing of a train or other on-track equipment at a railroad grade crossing in accordance with the provisions of this section may not proceed across the railroad tracks until the driver can do so safely.

(c) A person may not drive any vehicle through, around or under a crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed.

(2) The offense described in this section, failure to stop for a railroad signal, is a Class B traffic violation.

## **ORS 811.530**

### **Failure to post warnings for disabled vehicle; application; penalty.**

- (1) A person commits the offense of failure to post warnings for a disabled vehicle if the person is the driver, or other person in charge of a vehicle subject to this section, and the person does not cause the placement of such roadside vehicle warning devices as the Department of Transportation may require under ORS 815.035 when the vehicle is disabled during limited visibility conditions and cannot immediately be removed from the main traveled portion of a highway outside of a business district or residence district.
- (2) This section applies only to the following vehicles:
  - (a) School buses.
  - (b) School activity vehicles.
- (3) Requirements to be equipped with roadside vehicle warning devices are contained in ORS 815.285.
- (4) The offense described in this section, failure to post warnings for a disabled vehicle, is a Class B traffic violation.

## ORS 811.700

### **Failure to perform duties of driver when property is damaged; penalty.**

- (1) A driver of a vehicle who knows or has reason to believe that the driver's vehicle was involved in a collision commits the offense of failure to perform the duties of a driver when property is damaged if the driver's vehicle is involved in a collision that results in damage to property and the driver does not perform duties required under any of the following:
  - (a) Immediately stop the driver's vehicle at the scene of the collision or as close to the scene of the collision as possible and reasonably investigate what the driver's vehicle struck. Every stop required under this paragraph should be made without obstructing traffic more than is necessary.
  - (b) If the driver's vehicle has been involved in a collision that results only in damage to a vehicle that is driven or attended by any other person, the driver shall perform all of the following duties:
    - (A) Remain at the scene of the collision until the driver has fulfilled all of the requirements under this paragraph.
    - (B) Give to the other driver or passenger:
      - (i) The driver's name and address, the name and address of the owner of the driver's vehicle and the name and address of any other occupants of the driver's vehicle; and
      - (ii) If the driver's vehicle is a motor vehicle, the registration number of the motor vehicle, the name of the insurance carrier covering the motor vehicle, the insurance policy number of the insurance policy insuring the motor vehicle and the phone number of the insurance carrier.
    - (C) Upon request and if available, exhibit and give to the occupant of or person attending any vehicle damaged the number of any document issued as evidence of driving privileges granted to the driver.
  - (c) If the driver's vehicle has been involved in a collision resulting in damage to any vehicle that is unattended, the driver shall perform all the following duties:

- (A) Locate the operator or owner of the unattended vehicle and notify the operator or owner of:
  - (i) The driver's name and address and the name and address of the owner of the vehicle that struck the unattended vehicle; and
  - (ii) If the driver's vehicle is a motor vehicle, the registration number of the motor vehicle, the name of the insurance carrier covering the motor vehicle, the insurance policy number of the insurance policy insuring the motor vehicle and the phone number of the insurance carrier; or
- (B) Leave in a conspicuous place in the unattended vehicle a written notice giving:
  - (i) The driver's name and address and the name and address of the owner of the vehicle that struck the unattended vehicle and a statement of the circumstances of the collision; and
  - (ii) If the driver's vehicle is a motor vehicle, the registration number of the motor vehicle, the name of the insurance carrier covering the motor vehicle, the insurance policy number of the insurance policy insuring the motor vehicle and the phone number of the insurance carrier.
- (d) If the driver's vehicle has been involved in a collision resulting only in damage to fixtures or property legally upon or adjacent to a highway, the driver shall perform all of the following duties:
  - (A) Take reasonable steps to notify the owner or person in charge of the property of the collision and of the driver's name and address, the vehicle owner's name and address and, if the driver's vehicle is a motor vehicle, the registration number of the motor vehicle, the name of the insurance carrier covering the motor vehicle, the insurance policy number of the insurance policy insuring the motor vehicle and the phone number of the insurance carrier.
  - (B) Upon request and if available, exhibit any document issued as evidence of driving privileges granted to the driver.

- (e) If the driver discovers only after leaving the scene of the collision that the driver's vehicle may have been involved in a collision that resulted in damage to another vehicle, fixture or property, the driver shall as soon as reasonably possible make a good faith effort to comply with the requirements of this subsection.
- (2) As used in this section, "reason to believe" means that the driver is aware of a circumstance that would cause a reasonable person to be aware of a substantial and unjustifiable risk that the driver's vehicle has been in a collision. The risk must be of such nature or degree that failure to be aware of it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.
- (3) The offense described in this section, failure to perform the duties of a driver when property is damaged, is a Class A misdemeanor and is applicable on any premises open to the public. [1983 c.338 §572; 2017 c.75 §1; 2018 c.22 §1]

## **ORS 811.705**

### **Failure to perform duties of driver to injured persons; penalty.**

- (1) A driver of a vehicle who knows or has reason to believe that the driver's vehicle was involved in a collision commits the offense of failure to perform the duties of a driver to injured persons if the driver's vehicle has been in a collision that results in injury or death to a person and the driver does not perform all of the following duties:
  - (a) Immediately stop the driver's vehicle at the scene of the collision or as close to the scene of the collision as possible and reasonably investigate what the driver's vehicle struck. Every stop required under this paragraph should be made without obstructing traffic more than is necessary.
  - (b) Remain at the scene of the collision until the driver has fulfilled all of the requirements under this subsection.
  - (c) Give to the other driver or a surviving passenger or any person not a passenger who is injured as a result of the collision:

- (A) The driver's name and address, the name and address of the owner of the driver's vehicle and the name and address of any other occupants of the driver's vehicle; and
- (B) If the driver's vehicle is a motor vehicle, the registration number of the motor vehicle, the name of the insurance carrier covering the motor vehicle, the insurance policy number of the insurance policy insuring the motor vehicle and the phone number of the insurance carrier.
- (d) Upon request and if available, exhibit and give to the persons injured and to the occupant of or person attending any vehicle damaged the number of any document issued as official evidence of driving privileges granted to the driver.
- (e) Render to any person injured in the collision reasonable assistance, including the conveying, or the making of arrangements for the conveying, of an injured person to a physician, surgeon or hospital for medical or surgical treatment, if it is apparent that such treatment is necessary or if such conveying is requested by any injured person.
- (f) Remain at the scene of a collision until a police officer has arrived and has received the required information, if all persons required to be given information under paragraph (c) of this subsection are killed in the collision or are unconscious or otherwise incapable of receiving the information. The requirement of this paragraph to remain at the scene of a collision until a police officer arrives does not apply to a driver who needs immediate medical care, who needs to leave the scene in order to secure medical care for another person injured in the collision or who needs to leave the scene in order to report the collision to the authorities, as long as the driver who leaves takes reasonable steps to return to the scene or to contact the nearest police officer.
- (g) If the driver discovers only after leaving the scene of the collision that the driver's vehicle may have been involved in a collision that resulted in injury or death to any person, shall as soon as reasonably possible make a good faith effort to comply with the requirements of this subsection. The driver shall immediately contact 9-1-1 and provide to the dispatcher any requested information described in paragraph (c) of this subsection and the location and approximate time of the collision.

- (2) As used in this section, “reason to believe” means that the driver is aware of a circumstance that would cause a reasonable person to be aware of a substantial and unjustifiable risk that the driver’s vehicle has been in a collision. The risk must be of such nature or degree that failure to be aware of it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.
- (3) (a) Except as otherwise provided in paragraph (b) of this subsection, the offense described in this section, failure to perform the duties of a driver to injured persons, is a Class C felony and is applicable on any premises open to the public.
- (b) Failure to perform the duties of a driver to injured persons is a Class B felony if a person suffers serious physical injury as defined in ORS 161.015 or dies as a result of the collision. [1983 c.338 §573; 1993 c.621 §1; 2001 c.919 §1; 2017 c.75 §2; 2018 c.22 §2]

## **ORS 820.190**

### **Minor operating school vehicle; penalty.**

- (1) A person commits the offense of being a minor operating a school vehicle if the person is under 18 years of age and the person drives any of the following while it is in use for the transportation of pupils to or from school or an authorized school activity or function:
  - (a) A school bus.
  - (b) A school activity vehicle.
  - (c) A vehicle owned by a public or governmental agency.
  - (d) A privately owned vehicle that is operated for compensation that is a vehicle other than a vehicle commonly known and used as a private passenger vehicle and not operated for compensation except in the transportation of students to or from school.
  
- (2) The offense described in this section, minor operating a school vehicle, is a Class B traffic violation. [1983 c.338 §754; 1985 c.420 §19]

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**APPENDIX C  
FEDERAL RULES**

**§ 571.3 Definitions. (SELECTIONS)**

(a) **Statutory definitions.** All terms defined in section 102 of the Act are used in their statutory meaning.

(b) **Other definitions.** As used in this chapter—

*Act* means the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 718).

*Approved*, unless used with reference to another person, means approved by the Secretary.

...

*Bus* means a motor vehicle with motive power, except a trailer, designed for carrying more than 10 persons.

*Curb weight* means the weight of a motor vehicle with standard equipment; maximum capacity of engine fuel, oil, and coolant; and, if so equipped, air conditioning and additional weight optional engine.

*Designated seating capacity* means the number of designated seating positions provided.

*Designated seating position* means:

(1) For vehicles manufactured prior to September 1, 2011, any plan view location capable of accommodating a person at least as large as a 5th percentile adult female, if the overall seat configuration and design and vehicle design is such that the position is likely to be used as a seating position while the vehicle is in motion, except for auxiliary seating accommodations such as temporary or folding jump seats. Any bench or split-bench seat in a passenger car, truck or multipurpose passenger vehicle with a GVWR less than 4,536 kilograms (10,000 pounds), having greater than 127 centimeters (50 inches) of hip room (measured in accordance with Society of Automotive Engineers (SAE) Recommended Practice J1100a, revised September 1975, "Motor Vehicle Dimensions" (incorporated by reference, see [§ 571.5](#)), shall have not less than three designated seating positions, unless the seat design or vehicle design is such that the center position cannot be used for seating. For the sole purpose of determining the

classification of any vehicle sold or introduced into interstate commerce for purposes that include carrying students to and from school or related events, any location in such vehicle intended for securement of an occupied wheelchair during vehicle operation shall be regarded as four designated seating positions.

(2) For vehicles manufactured on and after September 1, 2011, *designated seating position* means a seat location that has a seating surface width, as described in [§ 571.10\(c\) of this part](#), of at least 330 mm (13 inches). The number of designated seating positions at a seat location is determined according to the procedure set forth in [§ 571.10\(b\) of this part](#). However, for trucks and multipurpose passenger vehicles with a gross vehicle weight rating greater than 10,000 lbs, police vehicles as defined in S7 of FMVSS No. 208, firefighting vehicles, ambulances, and motor homes, a seating location that is labeled in accordance with S4.4 of FMVSS No. 207 will not be considered a designated seating position. For the sole purpose of determining the classification of any vehicle sold or introduced into interstate commerce for purposes that include carrying students to and from school or related events, any location in such a vehicle intended for securement of an occupied wheelchair during vehicle operation is regarded as four designated seating positions.

*Driver* means the occupant of a motor vehicle seated immediately behind the steering control system.

*Driver air bag* means the air bag installed for the protection of the occupant of the driver's designated seating position.

*Driver dummy* means the test dummy positioned in the driver's designated seating position.

*Driver's designated seating position* means a designated seating position providing immediate access to manually operated driving controls. As used in this part, the terms "driver's seating position" and "driver's seat" shall have the same meaning as "driver's designated seating position."

*Emergency brake* means a mechanism designed to stop a motor vehicle after a failure of the service brake system.

*5th percentile adult female* means a person possessing the dimensions and weight of the 5th percentile adult female specified for the total age group in "Weight, Height, and Selected Body Dimensions of Adults: United States—1960-1962," first published as Public Health Service

Publication No. 1000 Series 11-No. 8, June 1965 and republished as DHEW Publication No. (HRA) 76-1074 (incorporated by reference, see [§ 571.5](#)).

...

*Fixed collision barrier* means a flat, vertical, unyielding surface with the following characteristics:

(1) The surface is sufficiently large that when struck by a tested vehicle, no portion of the vehicle projects or passes beyond the surface.

(2) The approach is a horizontal surface that is large enough for the vehicle to attain a stable attitude during its approach to the barrier, and that does not restrict vehicle motion during impact.

(3) When struck by a vehicle, the surface and its supporting structure absorb no significant portion of the vehicle's kinetic energy, so that a performance requirement described in terms of impact with a fixed collision barrier must be met no matter how small an amount of energy is absorbed by the barrier.

*Forward control* means a configuration in which more than half of the engine length is rearward of the foremost point of the windshield base and the steering wheel hub is in the forward quarter of the vehicle length.

...

*Gross axle weight rating* or *GAWR* means the value specified by the vehicle manufacturer as the load-carrying capacity of a single axle system, as measured at the tire-ground interfaces.

*Gross combination weight rating* or *GCWR* means the value specified by the manufacturer as the loaded weight of a combination vehicle.

*Gross vehicle weight rating* or *GVWR* means the value specified by the manufacturer as the loaded weight of a single vehicle.

*H-Point* means the pivot center of the torso and thigh on the three-dimensional device used in defining and measuring vehicle seating accommodation, as defined in Society of Automotive Engineers (SAE) Recommended Practice J1100, revised February 2001, "Motor Vehicle Dimensions" (incorporated by reference, see [§ 571.5](#)).

*Head impact area* means all nonglazed surfaces of the interior of a vehicle that are statically contactable by a 6.5-inch diameter spherical head form of a measuring device having a pivot point to “top-of-head” dimension infinitely adjustable from 29 to 33 inches in accordance with the following procedure, or its graphic equivalent:

(a) At each designated seating position, place the pivot point of the measuring device—

(1) For seats that are adjustable fore and aft, at—

(i) The seating reference point; and

(ii) A point 5 inches horizontally forward of the seating reference point and vertically above the seating reference point an amount equal to the rise which results from a 5-inch forward adjustment of the seat or 0.75 inch; and

(2) For seats that are not adjustable fore and aft, at the seating reference point.

(b) With the pivot point to “top-of-head” dimension at each value allowed by the device and the interior dimensions of the vehicle, determine all contact points above the lower windshield glass line and forward of the seating reference point.

(c) With the head form at each contact point, and with the device in a vertical position if no contact points exists for a particular adjusted length, pivot the measuring device forward and downward through all arcs in vertical planes to 90° each side of the vertical longitudinal plane through the seating reference point, until the head form contacts an interior surface or until it is tangent to a horizontal plane 1 inch above the seating reference point, whichever occurs first.

*Interior compartment door* means any door in the interior of the vehicle installed by the manufacturer as a cover for storage space normally used for personal effects.

*Longitudinal or longitudinally* means parallel to the longitudinal centerline of the vehicle.

*Low-speed vehicle (LSV)* means a motor vehicle,

(1) That is 4-wheeled,

(2) Whose speed attainable in 1.6 km (1 mile) is more than 32 kilometers per hour (20 miles per hour) and not more than 40 kilometers per hour (25 miles per hour) on a paved level surface, and

(3) Whose GVWR is less than 1,361 kilograms (3,000 pounds).

*Manually operated driving controls* means a system of controls:

(i) That are used by an occupant for real-time, sustained, manual manipulation of the motor vehicle's heading (steering) and/or speed (accelerator and brake); and

(ii) That is positioned such that they can be used by an occupant, regardless of whether the occupant is actively using the system to manipulate the vehicle's motion.

*Motorcycle* means a motor vehicle with motive power having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground.

*Motor-driven cycle* means a motorcycle with a motor that produces 5-brake horsepower or less.

*Motor home* means a multipurpose passenger vehicle with motive power that is designed to provide temporary residential accommodations, as evidenced by the presence of at least four of the following facilities: Cooking; refrigeration or ice box; self-contained toilet; heating and/or air conditioning; a potable water supply system including a faucet and a sink; and a separate 110-125 volt electrical power supply and/or propane.

*Multifunction school activity bus (MFSAB)* means a school bus whose purposes do not include transporting students to and from home or school bus stops.

*Multipurpose passenger vehicle* means a motor vehicle with motive power, except a low-speed vehicle or trailer, designed to carry 10 persons or less which is constructed either on a truck chassis or with special features for occasional off-road operation.

*Open-body type vehicle* means a vehicle having no occupant compartment top or an occupant compartment top that can be installed or removed by the user at his convenience.

*Outboard designated seating position* means a designated seating position where a longitudinal vertical plane tangent to the outboard side of the seat cushion is less than 12 inches from the innermost point on the inside surface of the vehicle at a height between the design H-point and

the shoulder reference point (as shown in fig. 1 of Federal Motor Vehicle Safety Standard No. 210) and longitudinally between the front and rear edges of the seat cushion. As used in this part, the terms “outboard seating position” and “outboard seat” shall have the same meaning as “outboard designated seating position.”

*Overall vehicle width* means the nominal design dimension of the widest part of the vehicle, exclusive of signal lamps, marker lamps, outside rearview mirrors, flexible fender extensions, and mud flaps, determined with doors and windows closed and the wheels in the straight-ahead position.

*Parking brake* means a mechanism designed to prevent the movement of a stationary motor vehicle.

*Passenger car* means a motor vehicle with motive power, except a low-speed vehicle, multipurpose passenger vehicle, motorcycle, or trailer, designed for carrying 10 persons or less.

*Passenger seating position* means any designated seating position other than the driver's designated seating position, except as noted below. As used in this part, the term “passenger seat” shall have the same meaning as “passenger seating position.” As used in this part, “passenger seating position” includes what was a “driver's designated seating position” prior to stowing of the present manually operated driving controls.

*Pelvic impact area* means that area of the door or body side panel adjacent to any outboard designated seating position which is bounded by horizontal planes 7 inches above and 4 inches below the seating reference point and vertical transverse planes 8 inches forward and 2 inches rearward of the seating reference point.

...

*Recreation vehicle trailer* means a trailer, except a trailer designed primarily to transport cargo, designed to be drawn by a vehicle with motive power by means of a bumper, frame or fifth wheel hitch and designed to provide temporary residential accommodations, as evidenced by the presence of at least four of the following facilities: cooking; refrigeration or ice box; self-contained toilet; heating and/or air conditioning; a potable water supply system including a faucet and a sink; and a separate 110-125 volt electrical power supply and/or propane. “Recreation vehicle trailer” includes trailers used for personal purposes, commonly known as “sport utility RVs” or “toy haulers,” which usually have spacious rather than incidental living

quarters and provide a cargo area for smaller items for personal use such as motorcycles, mountain bikes, all terrain vehicles (ATVs), snowmobiles, canoes or other types of recreational gear.

*Row* means a set of one or more seats whose seat outlines do not overlap with the seat outline of any other seats, when all seats are adjusted to their rearmost normal riding or driving position, when viewed from the side.

*School bus* means a bus that is sold, or introduced in 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.

*Seat outline* means the outer limits of a seat projected laterally onto a vertical longitudinal vehicle plane.

*Seating reference point (SgRP)* means the unique design H-point, as defined in Society of Automotive Engineers (SAE) Recommended Practice J1100, revised June 1984, "Motor Vehicle Dimensions" (incorporated by reference, see [§ 571.5](#)), which:

- (1) Establishes the rearmost normal design driving or riding position of each designated seating position, which includes consideration of all modes of adjustment, horizontal, vertical, and tilt, in a vehicle;
- (2) Has X, Y, and Z coordinates, as defined in Society of Automotive Engineers (SAE) Recommended Practice J1100, revised June 1984, "Motor Vehicle Dimensions" (incorporated by reference, see [§ 571.5](#)), established relative to the designed vehicle structure;
- (3) Simulates the position of the pivot center of the human torso and thigh; and
- (4) Is the reference point employed to position the two-dimensional drafting template with the 95th percentile leg described in Society of Automotive Engineers (SAE) Standard J826, revised May 1987, "Devices for Use in Defining and Measuring Vehicle Seating Accommodation" (incorporated by reference, see [§ 571.5](#)), or, if the drafting template with the 95th percentile leg cannot be positioned in the seating position, is located with the seat in its most rearward adjustment position.

...

*Service brake* means the primary mechanism designed to stop a motor vehicle.

*Speed attainable in 1 mile* means the speed attainable by accelerating at maximum rate from a standing start for 1 mile, on a level surface.

*Speed attainable in 2 miles* means the speed attainable by accelerating at maximum rate from a standing start for 2 miles, on a level surface.

*Steering control system* means the manually operated driving control used to control the vehicle heading and its associated trim hardware, including any portion of a steering column assembly that provides energy absorption upon impact. As used in this part, the term “steering wheel” and “steering control” shall have the same meaning as “steering control system.”

*Torso line* means the line connecting the “H” point and the shoulder reference point as defined in Society of Automotive Engineers (SAE) Standard J787b, revised September 1966, “Motor Vehicle Seat Belt Anchorage” (incorporated by reference, see [§ 571.5](#)).

*Trailer* means a motor vehicle with or without motive power, designed for carrying persons or property and for being drawn by another motor vehicle.

...

*Truck* means a motor vehicle with motive power, except a trailer, designed primarily for the transportation of property or special purpose equipment.

...

*Unloaded vehicle weight* means the weight of a vehicle with maximum capacity of all fluids necessary for operation of the vehicle, but without cargo, occupants, or accessories that are ordinarily removed from the vehicle when they are not in use.

*95th percentile adult male* means a person possessing the dimensions and weight of the 95th percentile adult male specified “Weight, Height, and Selected Body Dimensions of Adults: United States—1960-1962,” first published as Public Health Service Publication No. 1000 Series 11-No. 8, June 1965 and republished as DHEW Publication No. (HRA) 76-1074 (incorporated by reference, see [§ 571.5](#)).

*Vehicle fuel tank capacity* means the tank's unusable capacity (i.e., the volume of fuel left at the bottom of the tank when the vehicle's fuel pump can no longer draw fuel from the tank) plus its usable capacity (i.e., the volume of fuel that can be pumped into the tank through the filler pipe with the vehicle on a level surface and with the unusable capacity already in the tank). The term does not include the vapor volume of the tank (i.e., the space above the fuel tank filler neck) nor the volume of the fuel tank filler neck.

[[33 FR 19703](#), Dec. 25, 1968. Redesignated at [35 FR 5118](#), Mar. 26, 1970]



## **APPENDIX D FORMS**

See on subsequent pages:

- Type 10 Training Checklist
- Type 10 Seating Chart

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## Performance Checklist for Type 10 Activity Vehicle Drivers

Driver Name: \_\_\_\_\_ Department Location: \_\_\_\_\_

Contact Phone Number: \_\_\_\_\_ Driver's License No: \_\_\_\_\_

Do you possess a valid First Aid Card? Yes  Expires \_\_\_\_ / \_\_\_\_ / \_\_\_\_  
 If yes, please attach a copy No  A valid First Aid Card must be obtained within 120 days

### **Behind-The-Wheel Training (OAR 581-053-0320(6)(c) – Sign off when completed:**

The trainee must demonstrate the knowledge and/or ability to successfully complete the critical tasks listed in each section before being allowed to progress on through the program. The instructor must initial and date each item when completed and have the trainee initial that the respective training was received.

<b>Review of Laws &amp; Rules</b>	<i>Instructor</i>	<i>Date</i>	<i>Trainee</i>
Speed limits			
Freeways & Highways			
School zones			
Other			
Railroad crossings			
District policy			
Driving hours			
Loose cargo			
<b>Review of District Policies</b>	<i>Instructor</i>	<i>Date</i>	<i>Trainee</i>
Cell phone use			
Cleaning post trip			
Fueling			
Location			
During and after use			
Parking (keys)			
Vehicle location			
After use: Securing the vehicle, key return			
Post trip inspection			
Vehicle deficiencies & trip reporting			
Safety concerns			
<b>Special Needs (if applicable)</b>	<i>Instructor</i>	<i>Date</i>	<i>Trainee</i>
Lift use			
Wheelchair securement			
Special equipment			
Medication handling			
Other (list):			

<b>Pretrip Inspection</b>	<i>Instructor</i>	<i>Date</i>	<i>Trainee</i>
Emergency equipment			
Triangle reflectors, first aid kit, body fluid kit, belt cutter, fire extinguisher			
Windshield, wipers, windows, and mirrors			
Gauges and instruments			
Steering and horns			
Brake check			
Seats and seatbelts			
Doors/Emergency Exits			
Engine compartment			
Tires and wheels			
Fueling area			
Lights & reflectors			
Paint, lettering and damage			
<b>Driving</b>	<i>Instructor</i>	<i>Date</i>	<i>Trainee</i>
Parking (lot and grade)			
Railroad crossing			
Backing			
Intersections			
Lane use			
Freeway or highway			
Turns and steering			
Speed			
Seatbelt use			
School zone and school grounds			
Urban and rural driving			
Other (list):			

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**Activity Vehicle Seating Chart  
Type 10**

Driver Name \_\_\_\_\_ Date \_\_\_\_\_

Activity Vehicle # \_\_\_\_\_ Time \_\_\_\_\_

School(s) \_\_\_\_\_

Transported from scene by:

Driver Name \_\_\_\_\_ Vehicle# \_\_\_\_\_

*Complete vehicle diagram by drawing seat positions and labeling seats with occupant names.*

Front  
of Vehicle ->

