

## Questions and DPI Responses Related to Alternative Vehicles and Drivers

### Alternative Vehicle Drivers

#### **1. What constitutes an “alternative vehicle” for the purposes of Act 280?**

An alternative vehicle is a motor vehicle described in Section 121.555(1), Wis. Stats.

#### **2. Do the requirements relating to criminal background checks and driver record checks apply to school district employees, such as coaches, teachers and others, who occasionally transport students to/from school-related activities or events?**

Section 121.555(3)(a), Wis. Stats., states that these requirements apply to any individual who does not hold a valid school bus endorsement and who is employed or under contract to transport pupils. If the employee’s contract includes the responsibility of transporting students, the employer must comply with the Act 280 requirements relating to obtaining the background information form, and conducting a criminal background check and a driver record check. For individuals whose contracts do not include transportation responsibilities, as well as those who do not have an employment contract, the DPI recommends that the school district/employer consult their attorney and insurance carrier prior to determining that the requirements of Act 280 do not apply.

#### **3. Do the requirements relating to criminal background checks and driver record checks apply to parent volunteers?**

If the parent is not employed nor under contract to provide the pupil transportation, the requirements would not apply. However, this does not preclude the school district/employer from requiring anyone who transports children, other than their own children, to complete a background information form and conducting criminal background and driver record checks on that person.

#### **4. If the alternative vehicle driver is also a licensed teacher, for whom a background check has already been conducted, must the school district/employer conduct another background check?**

Yes. The results of the criminal background check must be compared to the list of offenses which disqualify an individual from operating an alternative vehicle to provide pupil transportation. This list can be obtained at <http://www.dot.state.wi.us/drivers/forms/mv3740.doc>. The list of disqualifying offenses is different from the list of offenses which disqualify an individual from obtaining a teacher’s license.

#### **5. What if the alternative vehicle driver also drives a school bus?**

A school bus driver must hold a valid school bus endorsement to his/her driver’s license. The Department of Transportation is required to conduct a criminal background check prior to the issuance or renewal of a school bus endorsement. The same disqualifying convictions that apply to alternative vehicle drivers also apply to school bus drivers, and the list of these offenses is available on the Department of Transportation’s web site at <http://www.dot.state.wi.us/drivers/forms/mv3740.doc>. For additional information on the requirements for school bus drivers, contact the Department of Transportation at (608) 266-2353.

**6. What if an alternative vehicle driver was convicted of a felony that would disqualify him/her from transporting pupils, but the conviction occurred several years ago?**

The length of time an individual is disqualified from providing pupil transportation under Act 280 depends on the crime of which he/she was convicted and varies from two years to life. The list of disqualifying convictions, as well as the term of the disqualification, is available at <http://www.dot.state.wi.us/drivers/forms/mv3740.doc>. An individual who was convicted of a disqualifying offence within the timeframe listed may not transport pupils.

**7. What if an alternative vehicle driver is convicted of a disqualifying offense *after* a background check is conducted?**

An individual who is employed by or under contract with a person to operate an alternative vehicle to provide pupil transportation is required to report any motor vehicle accident in which the individual was the driver, any suspension or revocation of operating privileges, and any conviction or operating privilege revocation that would disqualify the individual from providing pupil transportation. The report must be in writing to the individual's employer or the entity with whom the individual has contracted and must be made within 10 days of the occurrence of the accident, conviction, suspension or revocation. The individual would be prohibited from transporting pupils for the time period specified.

**8. How often must criminal background and driver record checks be conducted for alternative vehicle drivers?**

Section 121.555(3)(a), Wis. Stats., specifies that the school district/employer must obtain the completed background information form from the driver and must request a criminal background check and a driver record check "before the individual is initially permitted to operate the vehicle and every 4 years thereafter." However, for individuals who were already employed or under contract to provide pupil transportation in an alternative vehicle on or before January 31, 2005, these requirements did not apply until September 1, 2005.

**9. Can the school district/employer use the Department of Transportation form "MV3740" as the information request form for an alternative vehicle driver?**

The form at <http://www.dot.state.wi.us/drivers/forms/mv3740.doc> can be used by drivers of alternative vehicles.

**10. What if the school district contracts with a private company for all pupil transportation services?**

Any contract for pupil transportation that was entered into, modified or renewed on or after February 1, 2005, between a school board and the owner or lessee of privately owned motor vehicles transporting pupils for compensation must include a requirement that the owner or lessee perform any action necessary to comply with the requirements of Act 280.