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**Identification**

Exempt license plates shall not be issued to vehicles unless the applicant for registration certifies in writing that there is printed on each side of the vehicle, in letters that are at least two inches high or in an emblem that is at least 100 square inches in size, the name of the ESC. The letters or emblem must be of a color sufficiently different from the body of the vehicle to be clearly legible from a distance of 100 feet. *Transp. Code 502.452*

**Criminal History Record**

If the ESC or shared services arrangement contracts with a person for transportation services, it shall obtain criminal history record information that relates to an employee or an applicant to whom an offer of employment is being considered by the person and the employee or applicant is retained to or is applying for a position as a bus driver. [See also DBAA]

The person who contracts with the ESC or shared services arrangement to provide transportation services shall submit the names of employees and applicants to the ESC or shared services arrangement together with the other identification data required to obtain criminal history information. If the ESC or shared services arrangement obtains information that an employee or applicant has been convicted of a felony or an offense involving moral turpitude, the ESC or shared services arrangement shall inform the company's chief personnel officer of the person's name, and the company may not employ the person to drive a bus in which students are transported without the permission of the board or designee.

*Education Code 22.084(a)–(b); Transp. Code 521.022(f)*

Commercial  
Transportation  
Company

If the ESC contracts with a commercial transportation company, the company may obtain criminal history record information relating to employees or applicants for employment. If the company obtains the information, the ESC is not required to obtain the information itself, nor is the company required to submit the information to the ESC. If the company obtains information that one of its employees or an applicant for employment has been convicted of a felony or a misdemeanor involving moral turpitude, the company may not employ that person to drive or to serve as a bus monitor or bus aide on a bus on which students are transported without the permission of the board. *Education Code 22.084(c)–(d)*

Confidentiality

Criminal history record information obtained by the ESC shall not be released or disclosed to any person, other than the individual who is the subject of the information; TEA; or the chief personnel officer of a public or commercial transportation company with which the ESC contracts to provide transportation services to students. [See DH] *Gov't Code 411.097*

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**Note:** The remaining provisions only apply to an ESC that operates school buses.

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**School Bus Drivers**

A person shall not drive a school bus, school activity bus, or multi-function school activity bus unless he or she is physically qualified to do so. Each school bus driver shall undergo and successfully complete an annual physical examination in accordance with the requirements of 49 C.F.R. 391.41 and 391.43, which list those physical and mental conditions for which the medical examiner is directed to disqualify an applicant. The results of the examination shall be noted on the medical examination report for commercial driver fitness determination form as published by the United States Department of Transportation (DOT), Federal Motor Carrier Safety Administration in 49 C.F.R. 391.43 according to the figure in 37 Administrative Code 14.12. A driver shall not operate a school bus, school activity bus, or multi-function school activity bus unless he or she has in his or her possession the original, or photographic copy, of the medical examiner's certificate stating that the driver is physically qualified to drive a school bus, school activity bus, or multifunction school activity bus. *Transp. Code 521.022; 37 TAC 14.12*

A person disqualified on the basis of the medical examination may request special consideration in accordance with 37 Administrative Code 14.13.

**Seat Belts**  
*Required on  
Buses*

A bus, including a school bus and a school activity bus, operated by or contracted for use by an ESC for the transportation of school children shall be equipped with a three-point seat belt for each passenger, including the operator. This requirement applies to:

1. Each bus purchased by an ESC on or after September 1, 2010, for the transportation of school children; and
2. Each school-chartered bus contracted for use by an ESC on or after September 1, 2011, for the transportation of school children.

An ESC is required to comply with this requirement only to the extent TEA pays or commits to pay the ESC for expenses incurred in complying with the requirement.

*Transp. Code 547.701(e)-(f)*

**Student  
Requirement**

An ESC shall require a student riding a bus operated by or contracted for operation by the ESC to wear a seat belt if the bus is equipped with seat belts for all passengers on the bus. An ESC

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may implement a disciplinary policy to enforce the use of seat belts by students. *Education Code 34.013*

*Donations*

A board shall consider any offer made by a person to donate three-point seat belts or money for the purchase of three-point seat belts for an ESC's school buses. A board may accept or decline the offer after adequate consideration.

A board may acknowledge a person who donates three-point seat belts or money for the purchase of three-point seat belts for a school bus by displaying a small, discreet sign on the side or back of the bus recognizing the person who made the donation. The sign may not serve as an advertisement for the person who made the donation.

*Education Code 34.014*

**Designation of Child-Care Facility or Grandparent's Residence**

The board, after determining eligibility for transportation services, shall allow a parent to designate a child-care facility or the residence of a grandparent of the child instead of the child's residence as the regular location for purposes of obtaining transportation under the ESC transportation system to and from the child's school. Either designated location must be an approved stop on an approved route. *Education Code 34.007(b)(2)*

**New Van Purchases or Leases**

A school or school system may not purchase or lease a new 15-passenger van if it will be used significantly by, or on behalf of, the school or school system to transport preprimary, primary, or secondary school students to or from school or an event related to school, unless the 15-passenger van complies with the motor vehicle standards prescribed for school buses and multi-function school activity buses under federal law. This provision does not apply in some limited circumstances, including the purchase or lease of a 15-passenger van under a contract executed before August 10, 2005, the date of enactment of this provision. *49 U.S.C. 30112*

**Wireless Communication Devices**

An operator may not use a wireless communication device while operating a motor vehicle within a school crossing zone or on the property of a public elementary, middle, junior high, or high school served by a school crossing zone, during the time a reduced speed limit is in effect for the school crossing zone, unless:

1. The vehicle is stopped; or
2. The wireless communication device is used with a hands-free device.

*Transp. Code 545.4252*

An operator may not use a wireless communication device while operating a school bus or passenger bus with a minor passenger on the bus unless the passenger bus is stopped. This provision does not apply to an operator of a school bus or passenger bus using a wireless communication device in the performance of the operator's duties as a bus driver and in a manner similar to using a two-way radio. *Transp. Code 545.425(c), (e-1)*

**Maintenance and Operations**

School buses owned or operated by the ESC shall be maintained, operated, and inspected as required by the Texas Transportation Code. *Transp. Code 548*

**School Bus Advertising**

The exterior of a school bus may not bear advertising or another paid announcement directed at the public if the advertising or announcement distracts from the effectiveness of required safety warning equipment. A school bus that violates this section or rules adopted under this section shall be placed out of service until it complies. *Transp. Code 547.701(d)*

Advertising Rules

The ESC may allow advertisements on school buses in accordance with rules adopted by the Texas Department of Public Safety (DPS) at 37 Administrative Code 14.61–14.67. The rules apply to all school buses used to transport preprimary, primary, and secondary public school students. *37 TAC 14.62*

Advertisement

For purposes of this policy, "advertisement" means any communication brought to the attention of the public by paid announcement or in return for public recognition in connection with an event or offer or sale of a product or service, except for a single-line listing of a carrier name or manufacturer logo approved by DPS. *37 TAC 14.61(1)*

Material and Location

Advertisements must be of a material and in a location specified in the rules. *37 TAC 14.63–.65*

Notices

*Annual Notice*

Each September, ESCs involved in an advertising program shall provide to School Bus Transportation at DPS written notification of the number of school buses operated by or for the ESC that display exterior advertising or another paid announcement. *37 TAC 14.67(a)(1), (b)*

*Notice of Accidents*

An ESC shall also provide DPS written notification of any accident directly or indirectly involving a school bus operated by or for the ESC that bears advertising or another paid announcement. *37 TAC 14.67(a)(2)*

Notice must be received not more than five days from the date of the accident and shall include the following:

1. The name and address of the owner of the school bus;

2. The name and driver's license number of the school bus operator;
3. The date of the accident;
4. The city or county where the accident occurred; and
5. The investigating police agency.

*37 TAC 14.67(c)*

*Delivery of Notice* Notices to DPS may be delivered by facsimile or electronic mail, or may be mailed to School Bus Transportation, Texas Department of Public Safety, P.O. Box 4087, Austin, TX 78773-0525. *37 TAC 14.67(d)*