

4501-5-01 **General provisions.**

[Comment: For dates and availability of material incorporated by reference in Chapter 4501-5 of the Administrative Code, see paragraph (R) of this rule.]

(A) Except as otherwise provided in paragraphs (P)(2)(a) to (P)(2)(g) of this rule, all school buses for which bids are issued, bid on or after the effective date of this rule, shall conform to the rules in this chapter. These rules also cancel all existing "Approved Equal" certification and all construction approvals or waivers.

(B) School buses shall be manufactured and maintained as specified in rules 4501-5-02 and 4501-5-03 of the Administrative Code as applicable for the type of school bus. Any manufacturer, dealer or owner wishing to install any equipment or product other than those specified in rules 4501-5-02 and 4501-5-03 of the Administrative Code, including equipment or products the manufacturer, dealer or owner believes are equivalent or superior to equipment or products specified in those rules shall have prior approval, in writing, from the director. Requests for permission to install shall comply with rule 4501-5-04 of the Administrative Code.

(C) A manufacturer's and/or dealer's failure to comply with any of the rules in this chapter and all national highway traffic safety administration recalls may result in the suspension of authorization for sale and/or use of the chassis and/or body in the state of Ohio until such discrepancy is corrected by the manufacturer or responsible representative and written approval is issued by the department.

(D) Each manufacturer shall file a statement of compliance within thirty days after the effective date of this rule. The statement shall certify that all products and components manufactured for use in school buses sold for use in Ohio, as defined in division (F) of section 4511.01 of the Revised Code, will meet all rules in this chapter.

(E) Specifications shall be filed with the director in duplicate by the school bus chassis and/or body manufacturer that will meet the standards in this chapter. Specifications being submitted by the manufacturers shall also include any sales brochures and pertinent literature. When new models are introduced, specifications shall be filed with the director.

(F) Pre-delivery inspection shall be conducted by both body and chassis manufacturers to assure the bus being delivered is in satisfactory operating order (all components) and meets all applicable federal and Ohio standards. This predelivery inspection shall be according to the specific instructions of the purchaser and to the purchaser's satisfaction.

(G) The bus shall be delivered clean inside and out.

(H) Body and chassis manufacturers shall provide a written document specifying warranty provisions and enumerating major parts and equipment covered under warranty. Bus body and chassis dealers shall be responsible for providing full

warranty service.

(I) The chassis manufacturer shall provide for service at the body plant location after the body is mounted and prior to delivery to the purchaser. At the time of delivery, the chassis dealer shall provide to the purchaser the following documents:

(1) Line set tickets.

(2) Predelivery service check list.

(3) Predelivery check-out form by the chassis manufacturer or designated agent.

(4) Warranty book and statement of warranty.

(J) Any changes in design or equipment by school bus owners after receipt of the school bus must have prior approval in writing from the director of the department.

(K) School buses equipped with equipment or products that have been approved by the director pursuant to rule 4501-5-04 of the Administrative Code shall comply with the installation and operation requirements as approved. If equipment or products that have been approved by the director pursuant to rule 4501-5-04 of the Administrative Code are to be installed by other than the manufacturer or dealer at the original time of sale, permission shall be obtained in accordance with rule 4501-5-04 of the Administrative Code.

(L) All materials used in school bus construction shall meet or exceed all applicable federal motor vehicle safety standards (FMVSS) and society of automotive engineers (SAE) standards.

(M) School bus definitions

(1) A "Type A School Bus" is a conversion bus constructed utilizing a cutaway front section vehicle with a left side driver's door. This definition shall include two classifications:

(a) Type A-1, with a gross vehicle weight rating (GVWR) of fourteen thousand five hundred pounds or less.

(b) Type A-II, with a gross vehicle weight rating (GVWR) of fourteen thousand five hundred one pounds or more.

(2) A "Type B School Bus" is constructed utilizing a stripped chassis with a gross vehicle weight rating of more than ten thousand pounds, designed for carrying more than ten persons. Part of the engine is beneath and/or behind the windshield and beside the driver's seat. The entrance door is behind the front wheels.

- (3) A "Type C School Bus" is a body installed upon a flat back cowl chassis with a gross vehicle weight rating of more than ten thousand pounds, designed for carrying more than ten persons, including the driver. All of the engine is in front of the windshield and the entrance door is behind the front wheels.
- (4) A "Type D School Bus" is a body installed upon a chassis, with the engine mounted in the front, midship, or rear, with a gross vehicle weight rating of more than ten thousand pounds and designed for carrying more than ten persons, including the driver. The engine may be behind the windshield and beside the driver's seat, at the rear of the bus behind the rear wheels, or midship between the front and rear axles. The entrance door is ahead of the front wheels.
- (N) All body and chassis manufacturers shall provide a current up-to-date parts and service repair manual(s) for each body and chassis. This is not to be interpreted as an owner's manual. If the school bus owner is ordering more than one of the same body and chassis then only one parts and service manual would be required.
- (O) All chassis and body replacement parts shall be readily available for a minimum of fifteen years.
- (P) Compliance, maintenance
- (1) The responsibility for compliance with these rules and/or national highway traffic safety administration (NHTSA) recalls lies with the school bus owner. A manufacturer's and/or dealer's failure to comply with any of the rules in this chapter and all NHTSA recalls may result in the suspension of authorization for sale and/or use of the chassis and/or body in the state of Ohio until such discrepancy is corrected by the manufacturer or the responsible representative and written approval is issued by the department.
- (2) School bus owners shall maintain all school buses in such condition that they continue to meet Ohio school bus construction standards federal motor vehicle safety standards in effect on the bid date, or if the bid date is unknown, on the manufacture date until such standards or specifications are subsequently repealed or reduced:
- (a) For school buses with a bid date, or if bid date is unknown, with a manufacture date on or after December 1, 2008, but before the effective date of this rule, the Ohio department of public safety school bus construction standards, effective December 1, 2008.
- (b) For school buses with a bid date, or if bid date is unknown, with a manufacture date on or after August 16, 2007, but before the effective date of this rule, the Ohio department of public safety Ohio school bus construction standards, effective August 16, 2007.

(c) For school buses with a bid date, or if bid date is unknown, with a manufacture date on or after September 1, 2003 but before August 16, 2007, the Ohio department of public safety Ohio school bus construction standards, effective September 1, 2003.

(d) For school buses with a bid date, or if bid date is unknown, with a manufacture date on or after September 1, 1998 but before September 1, 2003, the Ohio department of public safety Ohio school bus construction standards, effective September 1, 1998.

(e) For school buses with a bid date, or if bid date is unknown, with a manufacture date on or after January 1, 1990 but before September 1, 1998, the Ohio department of education school bus minimum construction standards, effective January 1, 1990.

(f) For school buses with a bid date, or if bid date is unknown, with a manufacture date on or after July 1, 1988 but before January 1, 1990, the Ohio department of education school bus minimum construction standards, effective July 1, 1988.

(g) For school buses with a bid date, or if bid date is unknown, with a manufacture date on or after April 1, 1978 but before July 1, 1988, the Ohio department of education school bus minimum construction standards, effective April 1, 1978.

(Q) All school bus body and chassis manufacturers shall immediately notify the director and the superintendent of public instruction of any safety-related product recalls.

(R) Incorporated by reference. This chapter includes material that has been incorporated by reference. If the material is subject to change, only the specific version listed in this rule is incorporated. Any revision to the referenced material is not incorporated unless and until this rule has been amended to specify the new date.

Except as otherwise provided in paragraphs (P)(2)(a) to (P)(2)(g) and paragraphs (R)(1) to (R)(6) of this rule, the versions of all federal regulations and other texts incorporated by reference throughout Chapter 4501-5 of the Administrative Code are those in effect on the effective date of this rule.

(1) Code of Federal Regulations (CFR) may be obtained by writing to "U.S. Government Printing Office, 400 7th Street SW, Washington DC 20590" or via its website at <http://www.gpoaccess.gov>.

Chapter 4501-5 of the Administrative Code incorporates 49 CFR 393.94 (October 1, 2012).

(2) Federal motor carrier safety regulations (FMCSR) may be obtained by writing

to "U.S. Department of Transportation, National Highway Traffic Safety Administration (DOT-NHTSA), 400 7th Street SW, Washington D.C. 20590" or via its website at <http://www.fmcsa.dot.gov/> or at <http://www.gpoaccess.gov>.

Chapter 4501-5 of the Administrative Code incorporates FMCSR 390.21 (October 1, 2012).

(3) Federal motor vehicle safety standards (FMVSS) may be obtained by writing to "U.S. Department of Transportation, National Highway Traffic Safety Administration (DOT-NHTSA), 400 7th Street SW, Washington D.C. 20590" or via its website at <http://www.fmcsa.dot.gov/> or at <http://www.gpoaccess.gov>. For the purpose of this chapter, references to federal motor vehicle safety standards are to those set forth in the Code of Federal Regulations printed as of October 1, 2012. Chapter 4501-5 of the Administrative Code incorporates the following federal motor vehicle safety standards:

(a) FMVSS 571.101;

(b) FMVSS 571.105;

(c) FMVSS 571.108;

(d) FMVSS 571.111;

(e) FMVSS 571.120

(f) FMVSS 571.121;

(g) FMVSS 571.125;

(h) FMVSS 571.131;

(i) FMVSS 571.205;

(j) FMVSS 571.209;

(k) FMVSS 571.210;

(l) FMVSS 571.217;

(m) FMVSS 571.220;

(n) FMVSS 571.221;

(o) FMVSS 571.222;

(p) FMVSS 571.301;

(q) FMVSS 571.302;

(r) FMVSS 571.403;

(s) FMVSS 571.404.

(4) National highway traffic safety administration (NHTSA) recalls may be accessed at the "National Highway Traffic Safety Administration's" website at <http://www.nhtsa.gov>.

(5) National school transportation specifications and procedures (May 2005), may be obtained by writing to the "Missouri Safety Center, Central Missouri State University, Warrensburg, Missouri 64093" or via the national congress on school transportation's website at <http://www.ncstonline.org>.

(6) Ohio department of public safety Ohio school bus minimum construction standards and Ohio department of education school bus minimum construction standards may be obtained by writing to "Ohio Department of Public Safety, Licensing and Commercial Standards, 1970 West Broad Street, Columbus, Ohio, 43223" or via its website at <http://www.statepatrol.ohio.gov>. A complete and accurate copy of each publication has also been deposited in each of five depository libraries designated by the state library board.

(7) Society of automotive engineers international (SAE) standards are to be those set forth in the "2008 Society of Automotive Engineers Handbook" as published by the "Society of Automotive Engineers, Inc." SAE standards may be obtained by writing to "SAE World Headquarters, 400 Commonwealth Drive, Warrendale, PA 15096" or via its website at <http://www.sae.org>. Chapter 4501-5 of the Administrative Code incorporates the following SAE standards:

(a) SAE standard J381;

(b) SAE standard J541;

(c) SAE standard J683;

(d) SAE standard J800;

(e) SAE standard J887;

(f) SAE standard J994;

(g) SAE standard J1019;

(h) SAE standard J2249.

(S) Definitions:

As used in this chapter of the Administrative Code:

(1) "Department" means the department of public safety.

(2) "Director" means the director of the department of public safety or the director's designee.

(3) "Manufacturer's rated seating capacity," also known as "designed seating capacity," means the theoretical passenger capacity that a vehicle would have if it were constructed with the maximum number of seating positions according to standard seating plans.

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