

Small Thoughts!

Pupil Transportation without a CDL



Michigan School Business Officials
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Rob Matthews, CTD

Director of Transportation
Hudsonville Public Schools

MAPT Legislative Committee Co-Chairman
Region Representative - Region 8 (Allegan, Kent, Ottawa)

rmatthe@hpseagles.net

616-669-7757



This presentation should not be considered legal advice

All legal questions should be directed to your district's attorney

All insurance questions should be directed to your district's insurance agent

Pupil Transportation without a Commercial Driver's License

Passenger Vehicle

Manufacturer's Rated Seating Capacity of 10 or fewer total occupants, inclusive of the driver

- MCL 275.1810 (2)

Michigan Department of Education waiver required to document all light-duty passenger vehicles

- Special Education waiver required in order to request reimbursement on SE-4094

Light Duty Passenger Vehicle

MCL 257.1810 Transportation of pupils; federal motor vehicle safety standards; restrictions.

(2) A vehicle, other than a school bus, with a manufacturer's rated seating capacity of 11 or more passengers, including the driver, shall not be used to transport pupils to or from school or school-related events. This subsection does not apply to motor buses that are described in section 10a.

Light Duty Passenger Vehicle

Manufacturer's Rated Seating Capacity:

- The number of seats in the vehicle when it left the assembly plant, prior to initial delivery. This information is encoded in the VIN.
- Removing seats does not change the Manufacturer's Rated Seating Capacity

Re-Manufacturing and Manufacturer's Rated Seating Capacity

- Vehicle "upfitters" can remanufacture a completed vehicle and assign that vehicle a new Manufacturer's Rated Seating Capacity
- Such remanufactured vehicles will come with legal documentation

Light Duty Passenger Vehicle

Michigan Schools may not operate any vehicle other than a School Bus that seats more than 11 total individuals in pupil transportation services.

Do not purchase any vehicle that **MAY** seat 11 or more passengers unless you have **DOCUMENTATION** that the vehicle's Manufacturer's Rated Seating Capacity was 10 or fewer total persons:

- Original Window Sticker
- Certificate of Remanufacturer
- VIN report of installed features from the original manufacturer

Pupil Transportation without a Commercial Driver's License

Passenger Vehicle

Manufacturer's Rated Seating Capacity of 10 or fewer total occupants, inclusive of the driver

- MCL 275.1810 (2)

Michigan Department of Education waiver required to document all light-duty passenger vehicles

- Special Education waiver required in order to request reimbursement on SE-4094

School Bus / MFSAB

Manufacturer's Rated Seating Capacity between 11 and 15 total occupants, inclusive of the driver

Non-Commercial School Bus

GVWR under 26,000 lbs

Seating capacity 15 or fewer, inclusive of driver

- Remember, seating capacity for a school bus is calculated based on the width of the seat cushion.

Transportation Network Companies

- Seating capacity must be 8 or fewer inclusive of the driver



BUT WAIT!

**You can't drive a School Bus without an
S-Endorsement!**

Non-Commercial School Bus

Within the State of Michigan, the driver of a School Bus with a seating capacity between 11 and 15 persons inclusive of the driver shall hold, at a minimum, a Chauffeur's license and a MDE School Bus Driver Certification. The individual shall be, at a minimum, over the age of seventeen and shall have had a criminal background check conducted in accordance with the law. A School Bus with a seating capacity between 11 and 15 total occupants is not considered a Commercial Motor Vehicle unless it is used to transport passengers for compensation.

Non-Commercial School Bus

MCL 257.7a “Commercial Motor Vehicle” Defined.

1. "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if 1 or more of the following apply:
 - a. It is designed to transport 16 or more passengers, including the driver.
 - b. It has a gross vehicle weight rating or gross vehicle weight, whichever is greater, of 26,001 pounds or more
 - c. It has a gross combination weight rating or gross combination weight, whichever is greater, of 26,001 pounds or more, inclusive of towed units with a gross vehicle weight rating or gross vehicle weight, whichever is greater, of more than 10,000 pounds.
 - d. A motor vehicle carrying hazardous material and on which is required to be posted a placard as defined and required under 49 CFR parts 100 to 199.
2. A commercial motor vehicle does not include a vehicle used exclusively to transport personal possessions or family members for nonbusiness purposes.

Non-Commercial School Bus

MCL 257.57 “School Bus” Defined.

"School bus" means every motor vehicle, except station wagons, with a manufacturer's rated seating capacity of 16 or more passengers, including the driver, owned by a public, private, or governmental agency and operated for the transportation of children to or from school, or privately owned and operated for compensation for the transportation of children to or from school.

Non-Commercial School Bus

MCL 257.1807 Definitions; S, T.

Sec. 7. (1) "School bus" means a motor vehicle with a manufacturer's rated seating capacity of 11 or more passengers, including the driver, used for the transportation of preprimary, primary, or secondary school pupils to or from school or school-related events or a multifunction school activity bus manufactured after September 2, 2003 as defined in 49 CFR 571.3, 49 CFR 571.108, and 49 CFR 571.131. School bus does not include a vehicle operated by a public transit agency or authority. A vehicle that is not a school bus is not subject to this act. For the purposes of this act, a parent, or legal guardian transporting his or her child or another child with written permission of the other child's parent or legal guardian on a school-related event is not subject to this act.

Non-Commercial School Bus

MCL 257.1849 Age of driver; chauffeur's license, vehicle group designation, passenger vehicle indorsement, and school bus indorsement required; persons prohibited from operation of school bus; administration of commercial driver license skills test.

(2) A person shall not operate a school bus unless that person possesses a valid chauffeur's license, the appropriate vehicle group designation, a passenger vehicle indorsement, and a school bus indorsement as required under section 312e of the Michigan vehicle code, 1949 PA 300, MCL 257.312e. A person with a commercial driver license shall not operate a school bus, and a school, school bus owner, or lessee shall not allow a person with a commercial driver license to operate a school bus, unless the operation is in compliance with the drug and alcohol testing regulations under 49 CFR parts 40 and 382.

Non-Commercial School Bus

MCL 257.312e Operation of commercial motor vehicle; vehicle group designation; tests; holder of unexpired operator's or chauffeur's license; qualifications and fees for vehicle group designation and endorsement; operation of school bus; exceptions; F vehicle endorsement; knowledge test and driving skills test; disposition of money collected under subsection (7); refund to county or municipality; compliance with MCL 257.303 and 257.319b; requirements for implementing and enforcing federal law.

(f) An individual applying for a commercial learner's permit to operate a school bus designed to transport 16 or more passengers, including the driver, as set forth in section 306a(2)(e), who does not currently possess a P endorsement, shall obtain the appropriate vehicle group designation and pass the knowledge tests for both the P and S endorsements. An individual, before operating a school bus, must have on a commercial driver license the appropriate vehicle group designation and both the P and S vehicle endorsements under this act. An applicant for an S vehicle endorsement shall take a driving skills test in a school bus designed to transport 16 or more passengers, including the driver, that represents the same type of vehicle that the applicant intends to operate as a school bus and, beginning February 7, 2022, complete the entry level driver training described and required under 49 CFR part 380.

Non-Commercial School Bus

MCL 257.1851 School bus safety education; training program.

A driver of a school bus transporting passengers shall have in his or her possession a certificate stating that he or she has enrolled in the entry level school bus safety education course or has successfully completed a course in school bus safety education within the immediately preceding 2 years.

Non-Commercial School Bus

49 USC §31132 Definitions

In this subchapter— (1) “commercial motor vehicle” means a self-propelled or towed vehicle used on the highways in interstate commerce to transport passengers or property, if the vehicle

(A) has a gross vehicle weight rating or gross vehicle weight of at least 10,001 pounds, whichever is greater

(B) is designed or used to transport more than 8 passengers (including the driver) for compensation

(C) is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or

(D) is used in transporting material found by the Secretary of Transportation to be hazardous under section 5103 of this title and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103.

Non-Commercial School Bus

Within the State of Michigan, the driver of a School Bus with a seating capacity between 11 and 15 persons inclusive of the driver shall hold, at a minimum, a Chauffeur's license and a MDE School Bus Driver Certification. The individual shall be, at a minimum, over the age of seventeen and shall have had a criminal background check conducted in accordance with the law. A School Bus with a seating capacity between 11 and 15 total occupants is not considered a Commercial Motor Vehicle unless it is used to transport passengers for compensation.

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