



LEADERSHIP, ADVOCACY AND SERVICE FOR MANITOBA'S PUBLIC SCHOOL BOARDS

April 15, 2020

TO: Superintendents
Secretary-Treasurers

FROM: Darren Thomas
Risk Manager

RE: SCHOOL BUS USAGE

With discussions surrounding use of school buses for courier purposes, Divisions are able to approve the use of school buses for pick-up and delivery of materials for students. This will not affect the insurance or violate the *Highway Traffic Act*.

Further, when the purpose of the school bus is to not transport students as per School Bus regulation, the 8 lamp warning system and other safety features **cannot** be used. The SCHOOL BUS signage (front and rear) is to be covered entirely by any means including, duct tape, cardboard, magnetic decals, etc. Use of four-way flashers is acceptable and advisable.

Thank you.

Enclosure

MANITOBA
School Boards
ASSOCIATION

LEADERSHIP, ADVOCACY AND SERVICE FOR MANITOBA'S PUBLIC SCHOOL BOARDS

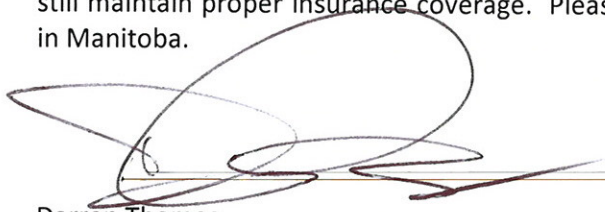
March 23, 2016

To: Superintendents
Secretary-Treasurers
Safety Officers
Maintenance/Facility Managers

From: Darren Thomas, Risk Manager

Re: **School Bus Usage in Manitoba**

There has been an increase in questions and/or concerns regarding school bus usage. MSBA Risk Management and Western Financial Group sought out Manitoba Public Insurance and *Highway Traffic Act* legal advice to ensure that we have all the information regarding what defines a school bus and how it is used to ensure we still maintain proper insurance coverage. Please refer to the attached document for proper school bus usage in Manitoba.



Darren Thomas
MSBA Risk Manager

/cs
Attachment

School Bus Usage in Manitoba

March 2016

In Manitoba, as in most provinces, the operation and registration of a vehicle is defined and outlined in the Highway Traffic Act (HTA). A vehicle cannot be operated on public roads without being registered with the government authority. In Manitoba this is Manitoba Public Insurance (MPI). The vehicle must be registered under the proper classification which is defined in the HTA.

The HTA defines a school bus as:

"school bus" means a vehicle that is designed and classified by the manufacturer as a school bus and used for the purpose of transporting pupils and other authorized persons to or from school or to or from approved school related activities; (« autobus scolaire »)

In Manitoba, school buses are further regulated by the School Buses Regulation as stated in the Public Schools Act. Within these Regulations there is a further definition of school bus:

"School bus" defined (Section 1)

In this regulation, **"school bus"** means a vehicle that is designed and classified by the manufacturer as a school bus and used to transport pupils and other authorized persons to or from school or to or from approved school related activities.

The School Bus Regulation goes on to state that a school bus shall not be used for other purposes without certain requirements being met.

Use of school bus for other purposes (Section 10)

A vehicle that is registered as a school bus and for other purposes under *The Highway Traffic Act*, shall not be used for those other purposes during any period in which the vehicle is used as a school bus, and unless all markings showing or indicating that it is a school bus are concealed, no person shall operate a school bus for purposes other than those set out in section 11.

Note that the HTA has the same requirement at section 137(3)

Section 11 of the School Bus Regulation states what authorized uses of a school bus are:

Authorized uses (Section 11)

Notwithstanding section 10, a school board may authorize the use of a school bus

- (a) To transport pupils for the purpose of participating in or attending extracurricular activities;
- (b) To transport trustees, administrative officers and teachers employed by the school division or district while carrying out their regular duties or attending professional development sessions; and
- (c) As may be required for the purpose of repairing or servicing it.

Section 12 provides further requirements for school bus operation, mainly that it be driven by a qualified operator and operated in accordance with the School Bus Regulation and the Highway Traffic Act. It also requires that proper insurance be in place and in force. It also requires that the use be approved by the school board or a person designated by the school board and that pupils being transported be accompanied by a person designated by the school board.

One of the items listed under Section 16 Prohibitions is that no driver of a school bus shall operate a school bus contrary to The HTA and the School Buses Regulation.

It is clear from the requirements of *The Highway Traffic Act* and the School Buses Regulation of *The Public Schools Act* that use or operation of a school bus, beyond the transportation of students and teachers of the division that owns or operates the bus is very restrictive. Use of a school bus for purposes other than described in the School Buses Regulation would require the vehicle be registered and insured under another classification such as a Public Service Vehicle (private motor coach and bus companies for example). This would also require concealment of the markings indicating the vehicle as a school bus. The insurance costs for a vehicle with a registered use of Public Service Vehicle are considerably more than those for a registered use School Bus.

School Divisions have enquired in the past about using their school buses for uses outside the transportation of students to and from school and/or school related activities, as permitted under the School Buses Regulations and HTA.

Uses being proposed include:

1. Transportation of children not enrolled in school to and from private day cares. This is prohibited under the School Buses Regulations and HTA.
2. Transportation of community based sports teams to “away” games. These are NOT school related activities and are prohibited under the School Buses Regulations and HTA.
3. Transportation of family members by drivers. These family members are not enrolled in school. This is prohibited under the School Buses Regulations and HTA.
4. Rental of school buses to community members for the purpose of transporting them to and from social engagements. This is prohibited under the School Buses Regulations and HTA.

All of the above examples would violate the permitted use of a school bus. One of the consequences of allowing these would be suspension or violation of insurance coverage.

One of the roles and responsibilities of the Pupil Transportation Unit of the Manitoba Department of Education is to provide School Divisions with school bus regulatory information and ensure compliance with regard to school bus operations. Any questions regarding the use of a school bus should be directed to that office and Risk Management at MSBA.