**DRAFT CREATED BY BD**

**581-053-0330 Rules Pertaining to Type 10 Drivers**

(1) A type 10 driver shall:

(a) Receive specialized training designed for special education transportation prior to transporting students with disabilities.

(b) Submit written reports of accidents involving the type 10 vehicle to ODE.

(c) Report to his/her employer(s) within 15 days:

(A) Any conviction for driving or criminal offenses specified in OAR 581-053-0050;

(B) Any involvement in an accident; or

(C) If their driver license is no longer valid.

(d) Make other reports as required by the transportation entity, ODE, and DMV.

(e) Not operate a vehicle with more passengers than the manufacturer's rated capacity.

(f) Instruct passengers to use seat belts at all times the vehicle is in motion.

(g) Maintain order in the vehicle at all times.

(h) The inside of the vehicle shall be kept clean.

(i) See that all doors on the vehicle are kept closed while the vehicle is in motion.

(j) Not permit anyone else to operate the vehicle except with the permission of transportation entity supervisor.

(k) Make certain that all passageways are kept clear.

(l) Make sure all doors including emergency exits are unlocked during vehicle operation.

(m) Not use tobacco on the vehicle and shall not permit passengers to use tobacco on the vehicle.

(n) Not be under the influence of any alcoholic beverage or any drug likely to affect the person's ability to operate a vehicle safely while on duty.

(o) Not consume any alcoholic beverage regardless of its alcoholic content or any drug likely to affect a person's ability to operate a vehicle safely while operating or within eight hours before operating a type 10 vehicle.

(p) Not permit signs of any kind to be attached to the vehicle except those specifically permitted by law or regulation.

(q) Not permit animals in the vehicle except guide dogs and assistance animals from recognized programs that will be accepted when accompanying blind, deaf, or physically impaired persons. Guide/assistance animals or animals in training as defined in ORS 346.680 are also accepted.

(r) Not permit firearms, other weapons, or potentially hazardous materials in the vehicle.

(s) Secure any article in the passenger compartment likely to cause injury to a passenger in the event of an accident.

(t) Not fill the fuel tank while passengers are in the vehicle or while the motor is running.

(u) Not leave the vehicle when passengers are aboard until the motor is shut off, the brakes set, a manual transmission put in gear and the key removed from the ignition.

(v) Report as soon as possible to the proper official any deficiency or malfunction of any equipment or component of the vehicle.

(w) Not alter routes unless approved by transportation entity.

(x) Shall use all securement straps and attachments for students with adaptive/assistive devices in a manner consistent with their design.

(y) Not transport students unless the vehicle is safe to operate.

(z) Observe all local and state traffic laws and ordinances.

(aa) Complete any training required by ODE or local employer.

(bb) Not use a cell phone, with or without a hands free device, while driving a type 10 vehicle unless calling 911 to report an emergency situation.

(cc) Not tow a trailer with a gross vehicle weight rating (GVWR) of more than 10,000 pounds, or of a weight greater than recommended by the towing vehicle’s manufacturer or by the hitch manufacturer, whichever is less.

(2) If the type 10 is used for home to school transportation, then the driver shall inspect the following prior to each trip, unless the inspection is performed by other designated employees:

(a) Windshield and wipers;

(b) All outside lights;

(c) Service door, emergency door and buzzer;

(d) Tires and wheel lug nuts;

(e) Battery, belts, oil, and coolant level;

(f) Horns;

(g) Brakes;

(h) Steering;

(i) Exhaust system;

(j) Emergency equipment; and

(k) See that lights, windshield and mirrors are clean.

Statutory/Other Authority: ORS 327.013 & 820.100 - 820.120

Statutes/Other Implemented: ORS 327.013, 820.100, 820.105, 820.110 & 820.120