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DEPARTMENT OF HUMAN SERVICES**

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**MEMORANDUM**

**CCL Bulletin: 09-007**

**TO:** Child and Adult Care Licensing Staff and Partners  
**CC:** Licensed Child Care Providers

**FROM:** Lois Barrett Luke, Director of Child and Adult Care Licensing

**DATE:** July 2, 2009

**RE:** **Custom/Conversion Vans– Interpretation of Rules Governing Vehicle Passenger Capacity Ratings**

Child care agency licensing rules at 1240-04-03-.13(9)(a), 1240-04-04-.07(2)(h)1., and 1240-04-01-.07(2)(h)1. require that child care vehicles **“designed to carry ten (10) or more passengers must conform to all Federal Motor Vehicle Safety Standards (FMVSS) governing either “large” school buses or “small” school buses, as applicable, in accordance with the provisions of the FMVSS described in 49 Code of Federal Regulations Part 571,”**

The intent of the above rules is to prohibit for the transportation of children vehicles specifically designed to accommodate ten (10) or more passengers but which are not designed to, and do not meet, the federal safety standards for school buses. The reason for the rule is because evaluations of vehicle design of vans with these passenger ratings that do not meet the Federal Motor Vehicle Safety Standards for school buses, as well as experience from accident investigations, have shown that such vehicles generally exhibit driving characteristics that may lead to a greater chance of rollovers and that may lack the necessary structural integrity to protect the occupants in the event of a crash. These characteristics and experiences prompted a recommendation from the National Highway Traffic Safety Administration (NHTSA) to discontinue their use for child care transportation. Therefore, to enforce the rule, it is critical to accurately identify which vehicles are designed to carry ten (10) or more passengers, but do not meet the vehicle handling capability and higher structural safety standards for school buses.

In general, information about the passenger rating for a given vehicle can be determined by checking to see if the information is included on the Vehicle Identification Number (VIN) Plate and by looking on the plate to see if the manufacturer included this information on a specific passenger seating capacity label (usually located on the door frame near the VIN plate), or by asking a dealer to verify the passenger seating capacity information by looking up the vehicle information associated with the VIN number.

It has come to our attention, however, that there may be specific types of vehicles that would otherwise be prohibited for child care use that may be still be in service due to the prior interpretations regarding the identification of vehicle passenger capacities associated with the prohibited vehicle design.

The chassis/frame for a custom/conversion vehicle may leave the manufacturer with incomplete passenger rating information provided on the VIN number because the vehicle is to be used by a conversion company that will ultimately customize the configuration of the the vehicle and its seating capacity which may, after conversion, differ from the vehicle's originally designed passenger carrying capacity.

For example, a conversion company receives a van chassis/frame from a motor vehicle manufacturer that, if completed as a stock van by the manufacturer of the chassis/frame, would by its original design, have a capacity of ten (10) or more passengers, but does not meet the standards for school buses required by the Department's licensing rules. The conversion company then builds a modified vehicle using that same chassis/frame, but elects to build an eight (8) passenger vehicle. The final passenger rating information for the vehicle after completion by the conversion company would reflect that the vehicle is designed for less than ten (10) passengers, even though the chassis/frame of the vehicle is the same type of chassis/frame design that has exhibited the driving characteristics and a structural integrity that, are prohibited by the Department's licensing rules for child care transportation.

Therefore, since vehicles with an original ten (10) or more passenger rating not meeting the FMVSS for school buses are prohibited by the Department's licensing rules, then, when inspecting vehicles used for transporting children in a child care agency, unless clearly demonstrated otherwise, the Department will consider a custom or conversion van with a passenger capacity of less than ten (10), but built on a chassis/frame originally designed to accommodate ten (10) or more passengers to be prohibited for child care transportation even if the VIN number associated with the vehicle indicates that the vehicle has been designed by the conversion company to carry less than ten (10) passengers.

The following chart compares the allowable and prohibited types of vehicles for child care transportation:

| <b>Type of Vehicle</b>   | <b>Status for Child Care Transportation</b>     |
|--|---|
| Vehicles designed to carry ten (10) or more passengers that conform to FMVSS (school buses - large, small, and MFSAB)  | Allowable for Child Care Transportation         |
| Passenger cars, mini vans, and SUVs with a VIN number that identifies it as a vehicle designed to carry less than ten (10) passengers  | Allowable for Child Care Transportation         |
| Vans with a VIN number that identifies it as a twelve (12) or fifteen (15) passenger vehicle   | <b>Prohibited for child care transportation</b> |
| Custom/Conversion Vans with a VIN number that identifies it as a vehicle that was designed to carry less than ten (10) passengers, yet it has the footprint and driving characteristics of a vehicle that could potentially accommodate ten (10) or more passengers (depending upon how the vehicle was converted) | <b>Prohibited for child care transportation</b> |