

4501-5-04

Evaluation of new equipment or changes to existing equipment on school buses.

(A) Application – This rule shall apply to any manufacturer, dealer or owner of a school bus who wishes to incorporate or install any equipment or product other than those specified in rules 4501-5-01 to 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.

(B) Permission – Prior to the installation of new or additional equipment or products, or changes to any existing equipment on a school bus, the school bus manufacturer, dealer or owner shall request permission, in writing, from the director This request shall include, but is not limited to,

(1) A complete description of the item, including:

(a) Photographs or illustrations

(b) Diagrams and/or informational pamphlets

(c) Schematics, technical data, specifications, dimensions

(d) Results of testing by an independent testing facility or laboratory specific to the product being tested.

(e) If the manufacturer, dealer or owner believes the equipment or product is equivalent or superior to those included in the specifications set forth in rules 4501-5-01 to 4501-5-03 of the Administrative Code, a statement explaining how this determination was made.

(2) If practical, actual models or samples of the equipment or product should be submitted.

(3) Complete cost estimates for the new or additional product, or equipment, including initial, cost and cost of installation, labor, maintenance, and continued use.

(4) An explanation of the expected benefits.

(5) A statement of the effect, whether positive or negative, the new or additional product, or equipment, will have on other construction standards contained in rules 4501-5-01 to 4501-5-03 of the Administrative Code, as well as on any other rules governing pupil transportation adopted by the department of public safety or the department of education.

(C) Upon receipt of a request for permission submitted pursuant to paragraph (B) of this rule, the department may take any of the following actions:

- (1) Immediately approve or deny the request
 - (2) Ask for additional information
 - (3) Order field testing to be conducted in accordance with paragraph (D) of this rule
 - (4) Seek guidance from the Ohio School Bus Construction Standards Advisory Committee at the Committee's next quarterly meeting. The Committee shall make recommendations to the department regarding the action to be taken in response to the request.
- (D) The department may order field testing of any new or additional equipment or products as part of the process of evaluating a request for permission submitted pursuant to paragraph (B) of this rule. The length and extent of the field test shall be determined by the department based on the nature of the product being tested, but shall be conducted on no fewer than three school buses. If a field test is being conducted pursuant to a request submitted by a school bus manufacturer, the manufacturer will be expected to maintain, adjust, and modify the equipment or product at no cost to the school bus owner. At the conclusion of the field test, an evaluation of the equipment or product shall be submitted on a form provided by the department by at least three school bus drivers, one school bus mechanic, and one school transportation director.
- (E) The department shall either approve or deny the request for permission submitted pursuant to paragraph (B) of this rule after considering the materials submitted in support of the request, any recommendations made by the Ohio School Bus Construction Standards Committee, the results of any field tests conducted, and any other information available to the department. The manufacturer or the school owner will be notified in writing of the director's decision. If the request for permission is denied, the school bus manufacturer, dealer or owner may appeal the denial in writing to the director. The director's decision on such appeal shall be final.
- (F) Based upon any information which may become available to the department regarding any equipment or products that have been approved pursuant to this rule for use on school buses, the director may remove such equipment or products from service. The manufacturer, dealer or the school owner will be notified in writing of the director's decision.
- (1) Any item deleted from service shall be removed from the bus, unless written permission to retain it is given by the director.
 - (2) Any item which, at any time is determined to present a potential hazard to occupants of the school bus or other persons or property, shall be immediately removed from the school bus and any ongoing field test terminated.

(G) The department shall maintain a list of all equipment or products that have been approved pursuant to this rule for use in school buses. This list shall be made available upon request in writing to: the Ohio State Highway Patrol Office of Licensing and Commercial Standards, Ohio Department of Public Safety, 1970 West Broad Street, Columbus, Ohio 43223.

Replaces: 4501-5-09

Effective:

R.C. 119.032 review dates:

Certification

Date

Promulgated Under: 119.03
Statutory Authority: R.C. 4511.76
Rule Amplifies: R.C. 4511.76
Prior Effective Dates: 11/1/71, 4/1/78, 7/1/88, 1/1/90, 9/1/98, 9/1/03