

FMCSA Requirements for passenger vehicles 16 or more (including the driver) - Pre-Primary, Primary, and Secondary Students

Updated 5/1/23

	Public Schools		Private Schools		For-Hire Contractors	
	<i>Routes</i>	<i>Activities</i>	<i>Routes</i>	<i>Activities</i>	<i>Routes</i>	<i>Activities</i>
Part 382¹ Drug and Alcohol Testing	All of Part 382 applies	All of Part 382 applies	All of Part 382 applies	All of Part 382 applies	All of Part 382 applies	All of Part 382 applies
Part 383² Commercial Drivers License	All of Part 383 applies	All of Part 383 applies	All of Part 383 applies	All of Part 383 applies	All of Part 383 applies	All of Part 383 applies
Operating Authority	N/A	N/A	N/A	N/A	N/A	Authority required if cross state lines
Part 387³ Financial Responsibility	N/A	N/A	N/A	N/A	N/A	Applies unless organized, sponsored, or paid for by the school district
Part 390 General	N/A	N/A	N/A	USDOT number, markings, accident register, etc.	N/A	USDOT number, markings, accident register, etc.
Part 391 Driver Qualification	<i>N/A except 391.15(f) disqualified for using cell phone while driving</i> Medical certificate required by State of Nebraska.	<i>N/A except 391.15(f) disqualified for using cell phone while driving</i> Medical certificate required by State of Nebraska.	<i>N/A except 391.15(f) disqualified for using cell phone while driving</i> Medical certificate required by State of Nebraska.	<i>See 391.68 for limited exceptions.</i> Medical certificate required by State of Nebraska.	<i>N/A except 391.15(f) disqualified for using cell phone while driving</i> Medical certificate required by State of Nebraska.	All of Part 391 applies
Part 392 Driving	<i>N/A except 392.80 and 392.82 prohibition of using cell phone</i>	<i>N/A except 392.80 and 392.82 prohibition of using cell phone</i>	<i>N/A except 392.80 and 392.82 prohibition of using cell phone</i>	All of Part 392 applies	<i>N/A except 392.80 and 392.82 prohibition of using cell phone</i>	All of Part 392 applies
Part 395 Hours of Service	N/A	N/A	N/A	Subject to hours limits but not required to prepare records of duty status	N/A	All of Part 395 applies
Part 393/396 Maintenance	N/A	N/A	N/A	Annual Periodic Inspections only	N/A	All of Parts 393 and 396 applies

Effective 7/8/15, driver is also required:

- To hold a Commercial Learner's Permit for 14 days before taking the CDL Skills Test
- Show proof of US Citizenship or lawful status.

¹Part 382 – Types of tests required (CDL operators only):

1. Pre-employment
2. Random Testing
3. Post-accident
4. Return-to-duty
5. Follow-up

²Part 383 – P & S Endorsements

1. Route Transportation: P endorsement required; S endorsement required except private schools transporting post-secondary students
2. Activities Transportation: P endorsement required; S endorsement required only if it is a school sponsored event. S endorsement is not required for private schools transporting post-secondary students.

³Part 387 – Financial Responsibility (For-Hire Contractors Only)

1. Seating capacity of 16 or more requires \$5,000,000
2. Seating capacity of 9-15 requires \$1,500,000

*Part 387 does not apply if the activity is sponsored and paid by the School District