**Part 390**

**§ 390.3T General applicability**

***Question 12***

Applicability of FMCSRs to Indian school bus operations

***Question 12:*** What is the applicability of the FMCSRs to school bus operations performed by Indian Tribal Governments?

*Guidance:* Transportation performed by the Federal Government, States, or political subdivisions of a State is generally excepted from the FMCSRs. Since 1997, FHWA and FMCSA have likewise not enforced the FMCSRs against Indian Tribal Governments.  FMCSA reaffirms that longstanding position. Moreover, the FMCSRs, in general, do not apply to school bus operations, including those performed by Indian Tribal Governments (49 CFR 390.3T(f)(1)). Nonetheless, there are several exceptions to that principle. The commercial driver’s license and drug and alcohol testing regulations in 49 CFR parts 383 and 382, respectively, apply to all drivers of commercial motor vehicles, as defined in 49 CFR part 383, including school buses. All school bus drivers are subject to the distracted driving regulations (see § 390.3T(f)(1)). In addition, school bus operations would be subject to the FMCSRs to the extent that they involve compensation for transportation to non-school events.

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