**Section 442.214 Capacity, Passenger**

a) *The vehicle maximum passenger capacity recommended by the manufacturer of the bus shall be based upon a provision for 13 inches of seating space for each passenger, exclusive of the driver.* (Section 12-802 of the Code) Examples: A seat 990 mm (39") in width provides 3 passenger spaces; a seat 985 mm (38.8") in width provides 2 passenger spaces; a device resembling a seat but less than 330 mm (13") in width would not provide a passenger space.

b) Neither a space not conforming to the FMVSS 222 nor the driver's space shall be counted as a passenger space. However, any space used for transporting an orthopedically challenged passenger shall be counted as a passenger space when computing passenger capacity to be displayed on the exterior of the bus as required in Section 442.250(g). (See 92 Ill. Adm. Code 444, Minimum Safety Standards for Construction of School Buses used in Special Education Transportation.)

(Source: Added at 26 Ill. Reg. 3255, effective February 19, 2002)