

**DCF 250.08 Transportation.**

(1) **APPLICABILITY.** This subsection applies to all center-provided transportation of children in care, including both regularly scheduled transportation to and from the center and field trip transportation.

*When transportation is provided by the center, a child is considered to be in the care of the center when the child is placed in the vehicle at the pick-up location and is released from care when the child is dropped off at his/her final location at the end of the child care day. Daily attendance records must include the actual time of pick-up and drop-off. See DCF 250.04(6)(b) CURRENT, ACCURATE DAILY ATTENDANCE RECORD.*

*See DCF 250.03(3) for the definition of center-provided transportation.*

**Note:** The department's form, Transportation Permission — Child Care Centers, may be used to obtain parental consent for transportation when regularly scheduled transportation between the center and the child's residence or other location is provided. Information on how to obtain a copy of the department form is available on the department's website, <http://dcf.wisconsin.gov>, or from any regional licensing office in Appendix A.

(2) **EMERGENCY INFORMATION.** All of the following emergency information shall be carried in the vehicle for each child transported:

(a) An address and telephone number where a parent or other adult can be reached in an emergency.

(b) The name, address and telephone number of the child's health care provider.

(c) Written consent from the child's parent for emergency medical treatment.

**Note:** The licensee must use the department's form, Child Care Enrollment, to obtain consent of the child's parent for emergency medical treatment. Information on how to obtain the department's form is available on the department's website, <http://dcf.wisconsin.gov>, or from any regional licensing office in Appendix A.

(3) **DRIVER.**

(a) The driver of a vehicle used to transport children in care shall be at least 18 years of age and shall hold a valid Wisconsin operator's license for the type of vehicle driven.

*Valid driver's license from the state of residence is acceptable.*

*This is in conformity with Wisconsin Statute 121.55 which prohibits anyone under 18 years old from driving children. No exceptions will be granted.*

(b) The licensee shall obtain a copy of the driving record for each driver annually and place the record in the staff file. The licensee shall review each driving record to ensure that the driver has no accidents or traffic violations that would indicate that having children ride with the driver could pose a threat to the children.

*See DCF 250.04 (3) – DEFINITION OF CENTER PROVIDED TRANSPORTATION. Parents and volunteers who transport children are not required to have a driving record on file.*

(c) A driver whose driving record poses a threat to the children may not transport children.

**Note:** Information on how to obtain driving records may be obtained by contacting the Department of Transportation at (608) 261-2566 or <http://dot.wisconsin.gov/drivers/drivers/point/abstract.htm>.

(4) **VEHICLE.**

(a) The licensee shall ensure that each vehicle, including a licensed contract motor carrier vehicle, such as a hired school bus, that is used to transport children is all of the following:

1. Registered with the Wisconsin department of transportation.
2. Clean, uncluttered and free of obstruction on the floors, aisles and seats.
3. Enclosed. Children may not be transported in a truck except in the cab.

## 4. In safe operating condition.

*Vehicles appropriately licensed in another state may be used to transport children without an exception.*

*The National Highway Traffic Safety Administration (NHTSA) modified its interpretation of a federal law in the early 1990s. That law relates to transporting children to and from schools and limits the number of children transported in passenger vans designed to carry more than 10 people. The reinterpretation of that law applies to any agency that transports children to and from schools. Centers may be cited for violating this law under DCF 250.04(2)(a) Compliance With Laws which requires that centers comply with all applicable laws and rules. Please reference the department's publication Transportation of Children in 10+ Passenger Vans To and From School. For information on how to obtain this document, see Appendix J Resources List.*

(b) At 12-month intervals the licensee shall provide the department with evidence of a vehicle's safe operating condition on a form provided by the department.

*The Vehicle Safety Inspection form is to be signed by owner/employee of a bona fide repair business such as a garage, auto repair shop or service station. The name of the repair business should appear on the vehicle inspection form in addition to the signature. Signatures of persons not associated with a firm doing repair business with the public will not be acceptable. If the inspection report indicates needed repairs, vehicle must be repaired and inspection form must note the necessary repair or replacement has been completed.*

*New and used vehicles purchased from an authorized dealer with inspection report will be accepted for one year.*

**Note:** The department's form, Vehicle Safety Inspection, is used to record evidence of the vehicle's safe operating condition. Information on how to obtain a copy of the department's form is available on the department's website, <http://dcf.wisconsin.gov>, or from any regional licensing office in Appendix A.

(c) Hired or contracted school buses used to transport children shall be in compliance with ch. Trans 300.

**(5) SEAT BELTS.**

(a) Each child who is less than 1 year of age or who weighs less than 20 pounds being transported in a vehicle shall be properly seated and restrained in a rear-facing individual child car safety seat when being transported in a vehicle as specified in s. 347.48, Stats.

(b) Each child who is at least one year old but less than 4 years of age or who weighs at least 20 pounds but less than 40 pounds shall be properly restrained in a forward-facing individual child car safety seat when being transported in a vehicle as specified in s. 347.48, Stats.

*INFANT / TODDLER RESTRAINTS: A child crash-tested restraint is a restraint that has been determined to perform satisfactorily in dynamic tests (simulated crash tests). Satisfactory performance is defined as meeting or exceeding the critical elements of the NHTSA's 1974 proposed revision to Federal Motor Vehicle Safety Standard 213.*

(c) Each child who is at least 4 years old but less than 8 years of age, who weighs less than 80 pounds or who is 4 feet 9 inches tall or less shall be properly restrained in a shoulder-positioning child booster seat when being transported in a vehicle as specified in s. 347.48, Stats.

(d) Each child who is not required to be in an individual child car safety seat or booster seat required under par. (a), (b) or (c) when being transported shall be properly restrained by a seat belt. Each adult in the vehicle shall be properly restrained by a seat belt. Seat belts may not be shared.

**250.08(5)(e)**

(e) Children transported in school buses or vehicles built to school bus standards shall be properly seated according to the manufacturer's specifications.

*Seat belts are not required in some vehicles even though these vehicles have a capacity of 15 or fewer people. This includes taxicabs, mopeds, motorcycles, snowmobiles and vehicles designed for 2 persons if there are 2 persons 4 years of age or older in the vehicle.*

*If a center owns, leases or contracts for a school bus, seat belts or car safety seats are not required because these vehicles were constructed to carry children without such devices.*

*If seat belts are present in a vehicle, seat belts must be used to restrain children being transported.*

*LIST OF RESTRAINTS: A list of currently approved child safety restraints and recalls may be obtained from the Wisconsin Information Network for Safety, 1007 Ellis St., Stevens Point, WI 54481 or from the web site [www.childsafety.org](http://www.childsafety.org).*

*INTEGRATED SAFETY SEATS: Many new vehicles are equipped with integrated child safety seats that are designed for children who weigh at least 20 lb. and are at least 1 year of age. All infants younger than 1 year of age or who weigh less than 20 lb. should be positioned rear facing in separate child safety seats in the back seat.*

*For additional information, contact the NGTSA Auto Safety Hotline at (800) 424-9393.*

**(6) VEHICLE CAPACITY AND SUPERVISION.**

(a) Children may not be left unattended in a vehicle.

(b) Children under age 13 years who are in the care of the center may not ride in the front seat of a vehicle.

*The provider's own children who are 7 years of age or older may ride in the front seat of a vehicle. They are not considered to be "in care." Children in care between the ages of 13 – 17 may ride in the front seat.*

(c) When children are transported in a vehicle, there shall be at least one adult supervisor in addition to the driver whenever there are more than 3 children who are either under 2 years of age or who have a handicap which limits their ability to respond to an emergency.

*When evaluating the need to have an adult supervisor (in addition to the driver) present on the vehicle the center needs to consider the ability of the child with a disability to evacuate the vehicle with limited additional help from the driver, the number and ages of other children being transported and whether any children being transported have a behavioral history that would might be disruptive during transportation.*

(d) After transporting a child to his or her destination, an adult shall ensure the child is in the custody of a provider, a parent, or other adult designated by the parent. A parent of a school age child may authorize a child to enter a building unescorted.

**Note:** Form, Transportation Permission — Child Care Centers, may be used to designate an adult to receive a child being transported. Information on how to obtain a copy of this form is available on the department's website, <http://dcf.wisconsin.gov>, or from any regional licensing office in Appendix A.

(e) The licensee shall develop and implement a procedure to ensure that all children exit the vehicle after being transported to a destination.

**(7) SMOKING.** Smoking is prohibited in the vehicle while children are being transported.