

**DCF 251.08 Transportation.**

(1) **APPLICABILITY.** This section applies to all center-provided transportation of children, including both regularly scheduled transportation to and from the center and transportation for field trips that are under the auspices of the center.

*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 251.03(4g) for the definition of "Center-provided transportation."*

**(2) GENERAL.**

(a) The center shall be responsible for a child between the time the child is placed in a vehicle until the child reaches his or her destination and is released to a person responsible for the child.

(b) The following emergency information shall be carried in the vehicle for each child transported:

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

2. The name, address, and telephone number of the child's physician or medical facility.

3. Written consent from the child's parent for emergency medical treatment.

**Note:** The licensee may use either the department's form, Transportation Permission — Child Care Centers, or the licensee's own form 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.

(c) Smoking is prohibited in the vehicle while children are being transported.

(d) The center administrator shall submit a copy of any accident report to the department within 5 days after the occurrence of an accident involving a vehicle transporting children.

**(3) DRIVER.**

(a) The driver of a center-provided vehicle shall be or have all of the following:

*See DCF 251.03(4m) for the definition of "Center-provided vehicle."*

1. At least 18 years of age.

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

2. A valid Wisconsin operator's license for the type of vehicle driven.

3. At least one year of experience as a licensed driver.

(b) The licensee shall obtain a copy annually of the driving record for each driver of a center-provided vehicle and shall 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.

*The only way to ensure that a driver's license has not been suspended or revoked (and is valid) is through a check of the person's driving record maintained by the Department of Transportation. License suspensions and revocations do not result in loss of the actual license card. The person may have a driver's license card that has not expired and still have the license suspended or revoked.*

**Note:** Information on how to obtain driver license records can be obtained by contacting the Department of Transportation at 608-261-2566 or <http://www.dot.wisconsin.gov/drivers/drivers/points/abstract.htm>.

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

**(4) VEHICLE.**

(a) A vehicle used to transport children shall be:

1. Registered in Wisconsin.

**251.08(4)(a)2.**

2. Clean, uncluttered and free of obstructions on the floors, aisles and seats.
3. Enclosed. Children may not be transported in a truck except in the cab.

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

2. Each child who is at least 1 year of age 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.

3. Each child who is at least 4 years of age but less than 8 years, weighing not more than 80 pounds or taller than 4 feet 9 inches shall be properly restrained in a shoulder-positioning child booster seat when being transported in a vehicle as specified in s. 347.48, Stats.

4. Each child who is not required to be transported in an individual child car safety seat or booster seat when being transported in a vehicle 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.

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

*If a center owns, leases or contracts for a school bus, child seat belts or car safety seats are not required for children under age 4 because these vehicles were constructed to carry children without such devices.*

*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 National Highway Traffic Safety Administration's 1974 proposed revision to Federal Motor Vehicle Safety Standard 213.*

*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 website [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.*

*For additional information call the NHTSA Auto Safety Hotline at (800) 424-9393.*

- (c) Passenger doors shall be locked at all times when a vehicle transporting children is moving.
- (d) Children under age 13 may not ride in the front seat of a vehicle.

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

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

(b) When children are transported in a vehicle, there shall be at least one adult supervisor in addition to the driver in either of the following circumstances:

1. There are more than 3 children who are either under 2 years of age or have a disability which limits their ability to respond in an emergency.
2. There are more than 10 children under 5 years of age in the vehicle.

(c) After transporting a child to his or her destination, an adult shall wait until the child enters the building or is in the custody of an adult designated by the parent, unless otherwise authorized by the parent of a school-age child.

(d) A seat in the vehicle shall be provided for each child. In a vehicle not required to have seat belts, the manufacturer shall determine the capacity of the vehicle.

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

**(6) REGULARLY SCHEDULED TRANSPORTATION.**

(a) When regularly scheduled transportation is provided by a center, the center shall maintain the following information in writing at the center and in each vehicle:

*Regularly-scheduled transportation is transportation scheduled at fixed intervals: for example,*

- *Transportation that is provided once a month for X number of months for a specific purpose.*
- *Transportation that is scheduled from school to center or from center to school on a fixed schedule.*
- *Transportation that is from home to the center or from the center to home.*

*Occasional emergency transportation and/or field trips on a one-time basis are not considered regularly-scheduled transportation.*

1. A list of children transported.
2. The transportation route and scheduled stops.
3. The name and address of the person authorized to receive a child if the child is dropped off at a place other than the child's residence.
4. Procedures to be followed when the parent or designated authorized adult is not at home to receive the child.

(b) The center shall maintain written safety precautions to be followed and implemented when transporting children with disabilities or children who have a limited ability to respond in an emergency.

(c) When transportation services are contracted or chartered, the name, address and telephone number of the contracting firm and the name of a representative of the firm who may be contacted after hours shall be on file at the center.

**(7) CENTER VEHICLES.**

(a) A center-provided vehicle shall be in safe operating condition. Except for licensed contract motor carrier vehicles, the licensee shall provide the department evidence of the vehicle's safe operating condition at 12-month intervals on a form the department provides. Licensed contract motor carrier vehicles shall comply with all applicable standards for those vehicles.

**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 the department's form is available on the department's website, <http://dcf.wisconsin.gov>, or from any regional licensing office in Appendix A.

*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 interpretation of that law applies it to any agency that transports children to and from schools. See Appendix J Resource list for instructions on how to obtain information on the NHTSA re-interpretation and its effect on child care centers that transport children. Centers may be cited for violating this law under DCF 251.04(2)(a) which requires that centers comply with all applicable laws and rules.*

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

*Head Start programs may submit a copy of the Federal Inspection required by the Head Start Performance standards in place of the vehicle safety inspection. No exception is necessary for Head Start programs.*

*See DCF 251.03(4m) for the definition of "Center-provided vehicle."*

(b) A center-provided vehicle, other than a licensed contract motor carrier, shall be equipped with a first aid kit.

*First aid kit should include bandages, gauze, tape, gloves.*