

R381-60-20: TRANSPORTATION

The rules and information in this section apply when a provider walks, transports, and/or uses public transportation to accompany a child in care from one place to another. A provider's policies on offering transportation should comply with the requirements of the American with Disabilities Act (ADA). For more information about this law, refer to: www.ada.gov.

When the provider arranges and is responsible for a child to be taken to or from the facility for any reason, the provider must be in compliance with licensing rules. For example, if the provider asks a parent to be an additional driver on a field trip, then all applicable licensing rules are in effect for the parent (such as passing a background check) as well as for the vehicle the parent is driving.

However, when a parent arranges and is responsible for their own child to be taken to or from the facility, then licensing rules do not apply while the child is under the responsibility of someone other than the provider. For example, if parents arrange to carpool their children to and from school without the provider's involvement, then licensing rules do not apply during carpooling.

If transportation services are offered:

- (1) **For each child being transported, the provider shall have a transportation permission form:**
 - (a) **signed by the parent, and**
 - (b) **on-site for review by the Department.**

Rationale / Explanation

When a child is being transported the potential risk of injury increases. For a child's health and safety, it is important that the child's parents understand and give permission for when, where, why, and how their child will be transported.

Moderate Risk Rule Violation

Corrective Action for 1st Instance

Citation Warning

- (2) **Each vehicle used for transporting children shall:**
 - (a) **be enclosed with a roof or top,**
 - (b) **be equipped with safety restraints,**
 - (c) **have a current vehicle registration,**
 - (d) **be maintained in a safe and clean condition, and**
 - (e) **contain first aid supplies, including at least antiseptic, band-aids, and tweezers.**

Rationale / Explanation

Motor vehicle crashes are one of the leading causes of death of children in the United States, and 43% of children who died were improperly restrained or not restrained at all. By wearing seat belts and properly buckling children into age- and size-appropriate car seats and booster seats, people can reduce the risk of serious injury and death in a crash by almost half. *CFOC 3rd ed. Standard 6.5.2.2. pp. 289-291.*

Not all vehicles are designed to safely transport children. A current vehicle registration ensures that children are transported in a safe vehicle that meets all legal requirements for the operation

of a vehicle in Utah. *CFOC 3rd ed. Standard 9.2.5.1. pp. 373-374.*

For the health and safety of the children, the provider must ensure that children are transported in a safe and clean vehicle. Regular cleaning of both the inside and outside of the vehicle helps to ensure that the vehicle is kept free of visible accumulation of soil and litter. *CFOC 3rd ed. Standards 9.2.5.1.-9.2.5.2. pp. 373-374.*

The facility should have first aid and emergency supplies available in each location where children are cared for, including in vehicles when children are being transported. Caregivers must have adequate first aid supplies to be able to respond to the needs of children in case of injury. *CFOC 3rd ed. Standard 5.6.0.1. pp. 257-258.*

Compliance Guidelines

- This rule applies to each vehicle that is used to transport children in care.
- "Safety restraints" refers to seat belts, car seats, and booster seats. They must be used individually, and as required by Utah law.
- A current registration and safety inspection is verified by the sticker on the license plate or a current registration certificate.
- Vehicle windows should be clean enough that a driver has adequate visibility to drive safely.
- The rule does not require that the vehicle windows be rolled up.
- The vehicle's interior can show signs of normal use and does not have to be entirely free of all debris. This rule applies to situations in which a buildup of dirt or debris could endanger children's health or safety. For example, a pile of debris could cause a child to trip, or rotting food could provide a place where disease-causing bacteria can grow.

Moderate Risk Rule Violation

Corrective Action for 1st Instance

Citation Warning

- (3) **The safety restraints in each vehicle that transports children shall:**
- (a) **be appropriate for the age and size of each child who is transported, as required by Utah law;**
 - (b) **be properly installed; and**
 - (c) **be in safe condition and working order.**

Rationale / Explanation

For a safety restraint to be effective in preventing injury or death in a vehicle accident, the restraint must be age and size appropriate, installed according to manufacturer's instructions, and in working condition.

- Child restraint laws vary by state. For up-to-date information on Utah's laws, check with the Insurance Institute for Highway Safety at www.iihs.org.
- To better understand which safety restraint is appropriate, how to install a car or booster seat, and where to get a car seat safety check, call 1-866-SEAT-CHECK or go to seatcheck.org.

Compliance Guidelines

- Safety restraints (seat belts, car seats, and booster seats) must be securely installed during transportation.
- Safety restraints are considered in safe condition and working order when they are not broken, frayed, or torn, and their locks work properly.

Moderate Risk Rule Violation
Corrective Action for 1st Instance

Citation Warning

- (4) **The driver of each vehicle who is transporting children shall:**
- (a) **be at least 18 years old;**
 - (b) **have and carry with them a current, valid driver's license for the type of vehicle being driven;**
 - (c) **have with them the written emergency contact information for each child being transported;**
 - (d) **ensure that each child being transported is in an individual safety restraint that is used according to Utah law;**
 - (e) **ensure that the inside vehicle temperature is between 60-85 degrees Fahrenheit;**
 - (f) **never leave a child in the vehicle unattended by an adult;**
 - (g) **ensure that children stay seated while the vehicle is moving;**
 - (h) **never leave the keys in the ignition when not in the driver's seat; and**
 - (i) **ensure that the vehicle is locked during transport.**

Rationale / Explanation

Driver Qualifications

Driving children is a significant responsibility. Having a driver who is at least 18 years old and has a current, valid driver's license helps ensure that who transports children is competent. *CFOC 3rd ed. Standard 6.5.1.2. pp 288-289.*

In Utah, a person who drives a vehicle designed to carry 16 or more passengers including the driver, is required to have a commercial driver's license (CDL). See Utah Code 53-3-412.

Emergency Contact Information

In the event of an accident or a missing child, both caregivers and emergency response personnel need access to the children's emergency and contact information. *CFOC 3rd ed. Standard 5.6.0.1. pp. 257-258.*

Safety Restraints

"Safety restraints" refers to seat belts, car seats, and booster seats.

Statistics show that seat belts save lives. Victims that are not properly restrained account for more than one-half of all fatal car accidents. Also, children are likely to be buckled 92% of the time when adults in the car use seat belts, as opposed to 72% of the time when adults are not using them. *CFOC 3rd ed. Standard 6.5.2.2. pp. 289-291.*

Utah Code 41-6a-1803 states the following regarding the use of child restraints:

- (1)(a) The operator of a motor vehicle operated on a highway shall:
- (i) wear a properly adjusted and fastened safety belt;
 - (ii) provide for the protection of each person younger than eight years of age by using a child restraint device to restrain each person in the manner prescribed by the manufacturer of the device; and
 - (iii) provide for the protection of each person eight years of age up to 16 years of age by securing, or causing to be secured, a properly adjusted and fastened safety belt on each person.

Vehicle Temperature

Some children have problems with temperature variations and children's bodies are less able to regulate their internal temperature than those of adults. Children overheat three to five times faster than adults. Also, children are more prone to hypothermia as a result of their bodies' smaller surface area, smaller amounts of subcutaneous fat, and an undeveloped ability to shiver. *CFOC 3rd ed. Standard 6.5.2.4. pp. 291-292.*

The American Academy of Pediatrics and the American Public Health Association recommend:

- The inside temperature of the vehicle should be maintained at a temperature comfortable to children.
- When the vehicle's interior temperature exceeds 82 degrees Fahrenheit and opening the windows does not reduce the temperature, the vehicle should be air conditioned. Temperatures in hot cars can reach dangerous levels within 15 minutes.
- When the interior temperature drops below 65 degrees Fahrenheit and when children are feeling uncomfortably cold, the interior should be heated. *CFOC 3rd ed. Standard 6.5.2.4. pp. 291-292.*

Supervision

Parents have an expectation that their children will be supervised when in the provider's care. This includes supervising children during transport. Confinement in a vehicle does not eliminate the need for supervision. Potential dangers when children are left unattended in vehicles include a child leaving the vehicle, a child taking the vehicle out of gear or taking the park brake off, a child being taken from a vehicle by an unauthorized individual, or a child dying from heat stress in a hot car. *CFOC 3rd ed. Standard 1.1.1.4. pp. 6-7; Standard 2.2..0.1. pp. 64-66; Standard 6.5.1.1. pp. 287-288.*

Children who are not seated may be injured by falling or being thrown when a vehicle moves, such as in a sudden stop or start. Additionally, children who are out of their seats may distract the driver and cause an increased risk of an accident. *CFOC 3rd ed. Standard 6.5.2.3. p. 291.*

Compliance Guidelines

- The driver must have a paper copy of children's contact and emergency information. Having only an electronic copy could result in critical information being inaccessible to emergency personnel and others who may need it in the event of an accident.
- When loading and unloading children into a vehicle, the driver may not leave one child unattended in a vehicle while going inside the facility to take or get another child.
- When children are in a vehicle, the driver may walk around the vehicle to attend to children (e.g. buckling belts) as long as the vehicle is not running and the keys are not in the ignition.
- A bus that will not go into drive gear when the bus door is locked is exempt from being locked during transport.

High Risk Rule Violation

Corrective Action for 1st Instance

- If a child is left unattended in a vehicle, the corrective action will be issued to 60-11(1).

Moderate Risk Rule Violation

Corrective Action for 1st Instance

Citation Warning otherwise.

- (5) **When the provider walks or uses public transportation to transport children to or from the facility, the provider shall ensure that:**
- (a) **each child being transported has a completed transportation permission form signed by their parent,**
 - (b) **a caregiver goes with the children and actively supervises them,**
 - (c) **the caregiver-to-child ratio is maintained, and**
 - (d) **caregivers take each child’s written emergency contact information and releases with them.**

Rationale / Explanation

Parents expect that their children will be safe including when offsite. The provider must ensure compliance with all applicable transportation rules when walking or using public transportation to take a child to and from another location. This includes such activities as going to and from school, taking a walk around the neighborhood, and using public transportation.

Compliance Guidelines

- The caregiver who is accompanying the children must have a paper copy of the children’s contact and emergency information. The information may not be stored electronically because in the event of an accident, emergency responders may not be able to access needed information.
- When some children are on an offsite activity and at the same time there are some children at the facility, the provider must maintain the caregiver-to-child ratio and supervision for each group.
- “Releases” refers to each child’s current emergency medical treatment and emergency transportation releases (with the parent’s signature) that are required as part of the child admission and health assessment information.
- Having a copy of the child’s written emergency contact information and releases (rather than the original) meets the intent of this rule.

High Risk Rule Violation

Corrective Action for 1st Instance

- For lack of supervision, the corrective action will be issued to rule 60-11(1).
- When the caregiver-to-child ratio is out of compliance, the corrective action will be issued to 60-10(1).

Moderate Risk Rule Violation

Corrective Action for 1st Instance

Citation Warning otherwise.