Kansas Administrative Regulations

Department of Health and Environment

Article 4.—Maternal and Child Health—General Regulations for Categories of Child Care.

28-4-130. Transportation.

Each applicant with a temporary permit and each licensee shall ensure that the requirements of this regulation are met when the facility, residential center, or group boarding home arranges for or provides transportation for children in care.

(a) Each driver shall be at least 18 years of age.

(b) Each driver shall hold a valid driver's license that meets the requirements of the Kansas motor vehicle drivers' license act, K.S.A. 8-234a et seq. and amendments thereto.

(c) Each driver shall be informed of the requirements of this regulation.

(d) Each transporting vehicle shall be maintained in safe operating condition.

(e) Each transporting vehicle owned or leased by the facility, residential center, or group boarding home shall have an annual mechanical safety check. The safety check shall be documented on a form provided by the department. A record of the date of the safety check and corrections made shall be kept on file at the facility, residential center, or group boarding home.

(f) Trailers, camper shells, or truck beds shall not be used for transportation of children.

(g) Each vehicle shall be covered by accident and liability insurance in an amount of not less than $100,000 for personal injury or death in any one accident, $300,000 for injury or death to two or more persons in any one accident, and $50,000 for loss to property of others.

(h) Emergency release forms and health assessment records shall be in the vehicle when children enrolled in residential centers or group boarding homes are transported more than 60 miles from the residential center or group boarding home, or if children are in emergency medical care.

(i) Each transporting vehicle owned or leased by the facility, residential center, or group boarding home shall have a first-aid kit that meets the requirements in K.A.R. 28-4-128.

(j) The following requirements regarding the use of seat belts and child safety seats shall apply:

(1) Each individual shall be secured by the use of a seat belt or a child safety seat when the vehicle is in motion.

(2) No more than one individual shall be secured in any seat belt or child safety seat.

(3) Each seat belt shall be properly anchored to the vehicle.

(4) When a child safety seat, including a booster seat, is required, the seat shall meet the following requirements:

(A) Has current federal approval;

(B) has a label with the date of manufacture, date of expiration, and model number;

(C) according to the label, is not past the expiration date;

(D) has not been recalled;

(E) has no missing parts or cracks in the frame;

(F) has not been in a crash;

(G) is installed according to the manufacturer's instructions and vehicle owner's manual;

(H) is appropriate to the height, weight, and physical condition of the child, according to the manufacturer's instructions and state statutes and regulations; and

(I) is properly maintained.

(5) The manufacturer's instructions for use shall be kept on file at the facility, residential center, or group boarding home.

(k) For each child younger than five years of age after August 31 of the current school year, each facility, residential center, or group boarding home shall utilize an age and size-appropriate child safety restraining system when transporting a child in a school bus or a bus operated by a common carrier.

(l) The safety of each child riding in each vehicle shall be protected as follows:

(1) All doors shall be locked while the vehicle is in motion.

(2) Discipline shall be maintained at all times.

(3) All parts of each child's body shall remain inside the vehicle at all times.

(4) No child shall either enter or exit the vehicle into a lane of traffic.

(5) No child shall be left in a vehicle unattended by an adult.

(6) When the vehicle is vacated, the driver shall make certain no child is left in the vehicle.

(7) Tobacco product use in the vehicle shall be prohibited while children are being transported.

(8) No cell phone or other electronic device shall be used by the driver when the vehicle is in motion. If a cell phone or electronic device is used for navigation, it shall be in hands-free mode only.

(9) Each facility shall maintain applicable staff-child ratios in the vehicle when children are being transported.

(10) Residential centers and group boarding homes shall maintain applicable staff-child ratios when children under six are being transported.

(m) A copy of the requirements in subsection (l) shall be posted in each vehicle or given to each driver.

(n) Each child shall be transported directly to the location designated by the applicant with a temporary permit or the licensee. No unauthorized stops shall be made along the way, except in an emergency.

(Authorized by and implementing K.S.A. 2025 Supp. 65-508; effective May 1, 1986; amended May 1, 1987; amended Feb. 26, 1990; amended Aug. 2, 2024; amended Sept. 4, 2026.)

***** Authenticated Kansas Administrative Regulation *****