Kansas Administrative Regulations

Department of Health and Environment

Article 4.—Maternal and Child Health—Child Care Resource and Referral Agencies.

28-4-189. Transportation.

Any day care referral agency that provides transportation as a part of the day care referral service shall meet the following requirements:

(a) When children are transported, the driver shall be 18 years of age or older, and shall hold an operator's license of a type appropriate for the vehicle being used.

(b) Each transporting vehicle shall be in safe operating condition. The transporting vehicle shall have a yearly mechanical safety check of tires, lights, windshield wipers, horn, signal lights, steering, suspension, glass, brakes, and tail-lights. A record of the date of the annual safety checks and corrections made shall be kept on file at the facility or in the vehicle.

(c) Children shall not be transported in campers, vehicle-drawn recreation vehicles or in the back of a truck.

(d) Each vehicle shall be covered by accident and liability insurance as required by K.S.A. 40-3104 and 40-3118 and any amendments thereof.

(e) Emergency release forms and health assessment records, as specified in K.A.R. 28-4-118(a) and 28-4-119(c), shall be carried in the vehicle when children are transported. A first aid kit shall be available.

(f) The safety of the children riding in the vehicle shall be protected as follows:

(1) Each vehicle shall be equipped with an individual restraint for each child as follows:

(A) An infant unable to sit up without support shall be provided with an infant car carrier which faces the rear.

(B) A child able to sit up without support shall be provided with one of the following restraints:

(i) a shield-type device;

(ii) a car seat facing the front that is designed to hold a child weighing up to 40 pounds; or

(iii) a safety harness.

(C) A child four years of age or older, or weighing 40 pounds or more, shall have a lap belt. Shoulder straps shall be used if they do not cross the child's neck or face.

(D) Not more than one child shall be restrained in each lap belt.

(E) School-type buses transporting school-age children shall not be required to be equipped with individual restraints.

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

(3) Discipline shall be maintained at all times.

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

(5) Children shall not enter or exit from the vehicle into a lane of traffic.

(6) Children shall not be left in a vehicle unattended by an adult. When the vehicle is vacated, the provider shall make certain no child is left in the vehicle.

(7) Smoking in the vehicle shall be prohibited while children are being transported. (Authorized by K.S.A. 65-508; implementing K.S.A. 65-503, 65-508; effective May 1, 1982; amended May 1, 1984; amended May 1, 1985.)

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