**Section 404.49 Transportation**

A child care institution or maternity center providing transportation services on a regular basis shall comply with the driver licensing, Rules of the Road, financial responsibility, vehicle equipment and vehicle inspection provisions of the Illinois Vehicle Code [625 ILCS 5].

a) The driver of a vehicle transporting children on behalf of a child care institution or maternity center, whether paid or unpaid, shall comply with the following requirements:

1) be 21 years of age or older;

2) currently holds a valid driver's license that has not been revoked or suspended for one or more traffic violations during the 3 years immediately prior to the date of application;

3) demonstrates physical fitness to operate vehicles (the results of a medical examination conducted by a licensed physician shall be kept on file at the center or institution);

4) has not been convicted of more than 2 offenses against traffic regulations governing the movement of vehicles within a 12 month period;

5) has not been convicted of reckless driving or driving under the influence or manslaughter or reckless homicide resulting from the operation of a motor vehicle within the past 3 years;

6) has signed and submitted a written statement certifying that he/she has not, through the unlawful operation of a motor vehicle, caused an accident that resulted in the death of any person within the 5 years immediately prior to the date of application.

b) Any child care institution or maternity center may provide for transportation of a child or children for special outings, functions or purposes that are not scheduled on a regular basis without verification that drivers for such purposes meet the requirements of this Section*.*

c) A child care institution or maternity center driver application shall be submitted to the Department and a copy of the current medical form shall be maintained in the institution's or center's files for any individual who transports children regularly on behalf of the center or institution.

d) Any individual who holds a valid unrestricted Illinois school bus driver permit issued by the Secretary of State pursuant to the Illinois Vehicle Code and who is currently employed by a school district, parochial school, or a contractor with a school district or parochial school to drive a school bus transporting children to and from school shall be deemed in compliance with the requirements of subsections (a) and (c).

e) The institution or maternity center shall have and enforce written safety procedures for transporting children.

f) The number of children transported in a vehicle shall not exceed the manufacturer's rated passenger capacity.

g) Age-appropriate safety restraints that are federally approved and labeled as such shall be used at all times when transporting children in vehicles having a gross weight of less than 10,000 pounds, except that individual safety restraints shall not be required when children ride as passengers in taxicabs or common carriers or public utilities operating under the jurisdiction of the Illinois Commerce Commission. No more than one child may be in each seat belt.

h) Any vehicle used for the transportation of children on behalf of the institution shall be equipped with a first aid kit when used for transporting children.

i) A written emergency plan to be followed in case of accidents, serious illness or severe weather alerts and other pertinent information shall be maintained. The emergency plan shall remain in the possession of the driver while en route.

(Source: Section 404.49 renumbered to Section 404.50; new Section 404.49 adopted at 29 Ill. Reg. 9976, effective July 1, 2005)