**Section 407.280 Transportation**

a) These requirements shall apply to any day care center that provides or arranges for the provision of transportation for children as follows:

1) To or from their homes or other pre-arranged sites and the center;

2) In connection with an activity conducted by or through the auspices of the center; and

3) From the center to a hospital, clinic or office for medical treatment (except in emergency situations).

b) A center providing transportation services 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].

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

1) *is 21 years of age or older;*

2) *currently holds a valid driver's license, which has not been revoked or suspended for one or more traffic violations during the three years immediately prior to the date of application;*

3) *demonstrates physical fitness to operate vehicles by submitting the results of a medical examination conducted by a licensed physician;*

4) *has not been convicted of more than two offenses against traffic regulations governing the movement of vehicles within a twelve 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 three years;*

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

*However, any day care 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.* [225 ILCS 10/5.1(a)]

d) A child care facility driver application and a copy of the current medical form shall be submitted to the Department for any individual who transports children regularly on behalf of a day care center.

*e) 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 or parochial school, or by 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 (c) and (d) above. [225 ILCS 10/5.1(b)]

f) The driver and attendants shall meet the requirements of Section 407.100.

g) The driver shall not leave the vehicle unattended at any time while transporting children.

h) The driver shall see that each child boards and exits the vehicle from the curb side of the street and/or is safely conducted across the street. The route shall be planned so that, whenever possible, the child exits on the same side of the street as the child's destination.

i) The driver shall see that a responsible person as designated by the child's parents or guardian is present to take charge of a child when delivered to his or her destination.

j) The driver shall see that order is maintained in the vehicle for safety of the children in transit.

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

l) The staff/child ratios as listed in this subsection shall be maintained.

1) A driver alone may transport two infants or three toddlers and shall be assisted by an adult attendant for each additional one to three infants or one to four toddlers.

2) A driver alone may transport eight children between two and five years of age and shall be assisted by an adult attendant for each additional one to eight children between two and five years of age.

3) A driver alone may transport ten children between three and five years of age and shall be assisted by an adult attendant for each additional one to ten children between three and five years of age.

4) When children under two years of age are transported with children two years of age or older, the staff/child ratio shall be in accordance with Section 407.190.

5) When school-age children are transported for program activities, the staff/child ratio shall be in accordance with Section 407.190.

m) Age-appropriate safety restraints which 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.

n) A vehicle used by the center to transport children shall be maintained in mechanically safe condition at all times. The driver must inspect the vehicle before use each day, both internally and externally, including all safety equipment and possible hazards, and ensure that the headlights, turn signals, stop arms, and windshield wipers are in sound operating condition, that the tires are inflated to correct pressure and the vehicle has more than an adequate supply of fuel for transportation that day.

o) The driver shall inspect the vehicle after each use to assure that no child is left in the vehicle.

p) Any vehicle used for the transportation of children on behalf of the day care center shall be equipped with a first-aid kit when used for transporting children. The first-aid kit shall consist of the items required by Section 407.380.

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

r) With the exception of school buses, vehicle doors shall be locked at all times when the vehicle is moving. The doors shall be opened and closed only by the driver or by another designated adult.

s) The driver shall not allow children to stand in a moving vehicle, sit on the floor of a vehicle in use or extend any part of their body through the vehicle windows.

t) The facility shall maintain a written plan for scheduled transportation of children, which shall include:

1) The schedule of the transportation route. When after-school transportation is provided, the schedule shall insure that children are not left waiting for a long period for the vehicle to arrive;

2) The name and address of the persons authorized to receive a child delivered to a place other than the child's residence;

3) Procedures to be followed when the parent or authorized adult is not present to receive the child; and

4) Written safety precautions to be followed, along with a written emergency plan.

(Source: Added at 22 Ill. Reg. 1728, effective January 1, 1998)