

# **10A NCAC 09 .1723      TRANSPORTATION REQUIREMENTS**

To assure the safety of children whenever they are transported, the operator, or any other transportation provider, shall:

- (1) ensure that vehicles used to transport children are free of hazards such as but not limited to, torn upholstery that allows children to remove the interior padding, broken windows, holes in the floor or roof, or tire treads of less than 2/32 of an inch;
- (2) ensure that vehicles used to transport children comply with all applicable State and federal laws and regulations;
- (3) ensure that vehicles are insured for liability as required by State laws governing transportation of passengers pursuant to G.S. 20-279.21;
- (4) ensure that vehicles used to transport children in snowy, icy, and other hazardous weather conditions are equipped with snow tires, or chains;
- (5) have written permission from a parent to transport his or her child and notify the parent when and where the child is to be transported, and the name of the transportation provider. Parents may give standing permission, valid for up to 12 months, for transport of children to and from the home;
- (6) ensure that all children are transferred to an individual who is indicated on the child's application for enrollment as specified in Rule .1721(a)(3) of this Section or as authorized by the parent;
- (7) load and unload children from curbside or in a safe, off-street area, out of the flow of traffic, so that they are protected from all traffic hazards;
- (8) ensure that all children regardless of age or location in the vehicle shall be restrained with an individual seat belt or child safety seat appropriate to the child's age or weight in accordance with G.S. 20-135.2A located at <http://www.buckleupnc.org/occupant-restraint-laws/seat-belt-law-summary/>. Only one person shall occupy each seat belt or child safety seat;
- (9) be at least 21 years old, and have a valid driver's license of the type required under the North Carolina Motor Vehicle Law for the vehicle being driven, or comparable license from the state in which the driver resides, and no convictions of Driving While Impaired (DWI), or any other impaired driving offense, within the last three years;
- (10) ensure that each child is seated in a manufacturer's designated area. No child shall ride in the load carrying area or floor of a vehicle;
- (11) have a First Aid kit and fire extinguisher located in the vehicle used to transport children;
- (12) never leave children in a vehicle unattended by an adult;
- (13) have identifying information in the vehicle about each child being transported, including the child's name, photograph, emergency contact information, and a copy of the emergency medical care information form required by Rule .1721(a)(3) of this Section; and
- (14) have a functioning cellular telephone or other functioning two-way voice communication device with them for use in an emergency. The transportation provider shall not use cellular telephones or other functioning two-way communication devices except in the case of an emergency and only when the vehicle is parked in a safe location; and
- (15) conduct off-premise activities as follows:
  - (a) before the operator walks children off premises for play or outings, the parent of each child shall give written permission for the child to participate in such activities;
  - (b) parents may provide a written statement giving standing permission which may be valid for up to 12 months for participation in off premise activities that occur on a regular basis; and
  - (c) each time the children are taken off premises, the operator shall take identifying information about each child including the child's name, photograph, emergency contact information, a copy of the emergency medical care information form required by 10A NCAC 09 .1721(a)(3) of this Section.

*History Note: Authority G.S. 110-91; 110-91(13); 143B-168.3;  
Eff. July 1, 1998;  
Amended Eff. December 1, 2014; April 1, 2003;  
Readopted Eff. October 1, 2017.*