

TRANSPORTATION/VEHICLE REQUIREMENTS

Frequently asked questions about ODJFS-child care licensing rule requirements effective in 2008 and 2013



1. What are the changes to the child care transportation vehicle requirements in 2008 and 2013?

Most child care providers currently transport in 15-passenger vans. Effective September 1, 2008, vans designed to carry 10 or more passengers will be prohibited for centers and type A homes that are licensed after August 31, 2008. Effective September 1, 2013, the vans will be prohibited for use at all centers and type A homes.

The department recommends that all vehicles the child care agency operates, for which it contracts or which are otherwise under its direction or control that are designed to carry ten (10) or more passengers, conform to the Federal Motor Vehicle Safety Standards (FMVSS) governing either “large” school buses, “small” school buses or “multifunction school activity busses” (MFSAB), as applicable. These standards are described in 49 Code of Federal Regulations Part 571, or as such Part may be amended. This rule will not affect providers who transport only in family cars, SUVs and passenger vans which are designed to carry nine or fewer passengers. However, these providers will still be required to comply with all passenger restraint requirements.

2. Do all types of buses satisfy the 2008 and 2013 vehicle structural requirements?

No, many commercial buses do not meet the school bus standards.

There are three (3) categories of vehicles that do conform to FMVSS school bus structural and crash standards:

1. Large school buses
2. Small school buses
3. Multifunction school activity buses (MFSABs).



Large School Bus



Small School Bus



Multifunction School Activity Bus

Note: As illustrated above, a child care vehicle does not have to be painted school bus yellow (it can be yellow, but it does not have to be yellow). Ohio is still working on clarifying this requirement in law and rules.



Vehicles like the example on the left are commonly used for airport parking and hotel transportation. While it looks similar to the other vehicles, it does not conform to FMVSS school bus standards and cannot be used for child care.

3. How can I determine if a bus is a school bus?

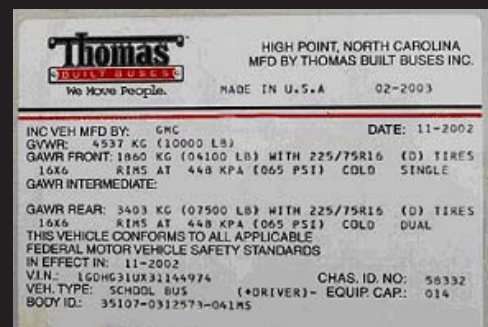
All school buses have a certification label that is affixed to the vehicle by the manufacturer and certifies the vehicle as a school bus. According to the National Highway Traffic Safety Administration (NHTSA), you will usually find this certification label “affixed to either the hinge pillar, door-latch post, or the door edge that meets the door-latch post, next to the driver’s seating position, or to the left side of the instrument panel. If none of these locations is practicable, the label must be affixed to the inward-facing surface of the door next to the driver’s seating position. A bus that meets the FMVSSs applicable to school buses will state “school bus” or “MFSAB” as its vehicle classification.”

On this sample label, next to the “VEH. TYPE:” near the bottom, it designates “SCHOOL BUS.”

Note: The information on the certification label next to “Vehicle Type.” The label clearly identifies the vehicle as a “SCHOOL BUS” or “MFSAB.”

Buyer Beware: Look closely at the certification label. Avoid buying or leasing a vehicle in which the label appears to have been altered in any way. Also, note the manufacturer and the manufacturing date on the first line of the label - in the example above we can see that the vehicle was manufactured by GMC in 11- 2002. Check with your insurer about any coverage restrictions on older vehicles; note that it is usually best to simply avoid purchasing or leasing a bus that is more than 15 years old.

Plan Ahead: If you are ordering a new vehicle it can take four to six months for it to be manufactured and delivered, so please plan ahead.



4. How is a “Multifunctional School Activity Bus” different from a “Small School Bus?”

The “Multifunction School Activity Bus” (MFSAB) is designed to provide all of the crash safety standards that are found on a traditional school bus, but without the stop-sign arm and warning lights that traditional school buses need for frequent pick-up and drop-off at school bus stops. Thus, the vehicles in this category conform with all FMVSS requirements for school bus structural and crash standards, but are not required to have specialized warning devices such as stop signs and warning lights, and they are not required to be painted a specific color (i.e. school bus yellow).



Multifunction School Activity Bus (“MFSAB”)



Small School Bus

Both of these vehicles meet FMVSS standards and look very similar. The only significant difference between these vehicles is that the MFSAB does not have the warning lights and a stop arm.

The MFSAB can be a good alternative to a “small school bus” for child care providers. If you do purchase or lease a “small school bus” for child care use and it still has working stop-sign arm and warning lights, you must contact the Ohio Highway Patrol school bus inspection team in your area for an inspection.

Special Note about Driver License Requirements: MFSAB which are designed and built to carry 14 or fewer passengers plus the driver (a total of 15), and are under 10,000 lbs. GVW, require a Commercial Driver’s License (CDL). The local Ohio Bureau of Motor Vehicles Driver License Examination Offices (http://bmv.ohio.gov/county/dx_locs.htm) or the Bureau of Motor Vehicles Deputy Registrar License Agency (http://bmv.ohio.gov/county/dr_locs.htm) have the most current information on driver license requirements.

Large and small school buses do require drivers to have a CDL as well as driver training from the Ohio Department of Education.

5. Do large school buses, small school buses, and multifunctional school activity buses meet all of the new passenger restraint requirements?

Child care licensing rules require that children under 4 years or 40 lbs be restrained in a child safety seat as required by Ohio passenger restraint laws. The Ohio passenger restraint laws that are currently in effect for MFSABs under 10,000 lbs GVW are the same as the passenger restraint laws. Children under 4 years or 40 pounds must be secured in an age and size appropriate child restraint system. Details about these requirements and the recommendations from the National Highway and Traffic Safety Administration (NHTSA) can be found at <http://www.nhtsa.dot.gov>.

The types of restraints that are required depend on the size and age of the children being transported and the type of vehicle that they are being transported in. In addition, school buses often do not automatically come equipped with the type of seats, anchorage points and restraints that may be required for the ages and sizes of the children you are transporting.

When buying or leasing any type of bus for child care you need to either:

- Specifically request the appropriate seats and anchorage points, *or*
- Outfit the bus with an add-on restraint/harness system that will satisfy the 2007 rule requirements (see the following section about “add-on restraints” for additional information).

Buyer Beware: Pay close attention to child restraint requirements before committing to buying or leasing any bus, especially used buses. Be sure you understand the requirements and the costs associated with child restraints for the particular bus that you are considering.

6. Do all restraints require that the bus have specific anchorage points?

There are three (3) main restraint categories that usually require specific anchorage points:

- Car seats (e.g., infant carriers/child safety seats).
- Belt-positioning booster seats.
- Lap and shoulder belt combinations.

However, there are also several “add-on” restraint/harness systems available that meet FMVSS.

7. Can existing school buses be retrofitted with the appropriate restraint anchorages?

The child care rules require factory installed restraint anchorages or retrofitting that is accompanied by a certification document from the manufacturer. Therefore the Department will only recognize professional retrofitting that is done by a legitimate bus manufacturer, conversion company, or other recognized professional installer. If you are unsure about whether a company is a legitimate bus manufacturer check with the Pupil Transportation Division of the Department of Education @ <http://www.ode.state.oh.us>.

Buyer Beware: A seller may claim that a bus has been properly retrofitted to meet the child restraint requirements. Do not purchase or lease any used bus that has been retrofitted unless you receive a certification from the manufacturer, and you have verified that certification document. Also, note that school bus seats which were designed for seat belts contain a brace across the legs. If a seller claims that a bus comes already equipped with seat belts look for this brace. Inquire further and demand the manufacturer’s documentation if there is no brace present. Knowledgeable experts agree that seat belts should not be added or retrofitted to an older school bus unless the bus was originally manufactured “seat belt ready.” This means it was built with stronger seats and additional reinforcement in the structure of the bus, including the anchorages that hold the seat to the floor to withstand the added “loading” of belted passengers during a crash. Bus manufacturers have stated they won’t assume any liability if their buses are retrofitted, and it is unlikely insurance companies will either. Buyers should also ask if retrofitting will affect the vehicles warranty.

8. Do add-on restraint/harness systems need to be installed by the manufacturer?

The law requires passenger restraints to be installed by the manufacturer or by an authorized retrofitter. However, add-on restraint/harness systems are specifically manufactured to be installed by the “end user,” meaning the driver or other transportation staff who are responsible for restraining the children each day, just as an infant carrier or a booster seat are installed by the child care provider in a van van. These systems do not need to be installed by the manufacturer.

9. Do all the seats on the vehicle need to have anchorage points that will support every type of restraint?

No. The specific configuration of seat anchorage points in a vehicle can be matched to the needs of your program.

Step 1: Look at the ages and sizes of children that your program typically serves, as well as the ages and sizes of children that your program typically transports.

Step 2: Write down the general type of restraint that these ages will require. Do not forget the needs of any adults who will be riding on the vehicle.

Step 3: Make a list of the restraints available to meet your program's needs. What restraints are available if your bus comes equipped with seat belts? If your bus does not come equipped with seat belts? Make a list of all of your options.

Step 4: Take your list of options with you to different bus sellers. Review your options and discuss your needs with the bus seller.

Buyer Beware: Some add-on restraint/harness systems are designed to work with bus seats that already have existing lap belts, while others are designed to fit around the existing bus seats without lap belts. Insure that you clearly understand all of your passenger restraint options and how those options will work with a particular bus before you commit to purchasing or leasing the vehicle.

10. When purchasing a used vehicle, how do I know if the vehicle conforms with FMVSS school bus standards?

The vehicle's certification label should always be closely examined, but when purchasing or leasing a used vehicle from someone other than a bus manufacturer there still is not a sure way of determining if the vehicle conforms with the FMVSS unless it passes inspection by a qualified bus safety inspector (and please note that the Department of Public Safety/State Highway Patrol is not able to perform pre-purchase courtesy inspections of buses – they are only able to perform the required annual inspection, as well as any follow-up inspections needed to verify corrections of violations). If the vehicle was originally titled as a school bus it is safe to assume that it met the FMVSS when it was first titled, however, it is important to confirm that the vehicle has not since been modified in a way that would void the original structural integrity.

Buyer Beware: In addition to your potential loss in income if you purchase or lease a "lemon," note that the failure to comply with state law could result in your insurance carrier denying coverage in the event of an accident (including a "no-fault" accident). Accordingly, it is critical that you do your homework before purchasing or leasing a used vehicle:

- ***Verify that you are working with a legitimate seller who has specific experience with school buses and who offers a warranty. Check for complaints against your seller with the Consumer Affairs Division of the state Attorney General's Office and your local Better Business Bureau.***
- ***Require that the seller provide a title report/accident history, or check the internet for sites that allow you to purchase this information yourself. Do not purchase or lease a bus which was not originally titled as a school bus or a MFSAB, and avoid vehicles that have been in an accident.***
- ***Carefully review the certification label. Do not purchase or lease a bus in which the label appears to be altered in any way, or in which the information on the label does not appear to match any other information you have on the vehicle (e.g., the title report, your own visual inspection of the bus, etc.).***
- ***Carefully inspect the entire vehicle, including underneath it, for any evidence of structural repairs. Avoid sellers who attempt to discourage your inspection, minimize the evidence, or "explain away" repairs. Legitimate sellers will not pressure you and will be honest about all of the information they have on a vehicle's history.***
- ***As with any used vehicle, later models and those with lower mileage usually have fewer problems than older models and those with higher mileage. Purchase or lease the newest/lowest mileage vehicle that you can afford – but still do all of your homework: even late model buses could have been in an accident or have a history of break-downs.***

11. What will licensing specialists look for in a school bus or MFSAB?

Child Care Licensing Specialists will initially verify that the vehicle meets FMVSS for school buses, but will otherwise continue to monitor buses in the same manner that they currently monitor 15-passenger vans: They will check the certification label on each vehicle to determine that the vehicle was manufactured as either a “school bus” or a “MFSAB.”

- They will look to see that what restraints you are using - regardless of whether it is a manufacturer-installed safety restraint or an add-on restraint/harness system - and that the restraints are appropriate for the children your program is transporting.
- They will conduct a visual safety inspection of the vehicle in the same manner that they currently visually inspect 15-passenger vans, e.g., verifying no apparent safety hazards, and verify that it meets the requirements of rule 5101:2-12-18.1.

They will continue to verify that all vehicles receive and pass an annual inspection by an ASE certified mechanic or the Department of Public Safety/State Highway Patrol, depending on the type of vehicle.