



## Ohio Administrative Code Rule 5101:2-9-32 Transportation.

Effective: February 1, 2020

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(A) A residential facility shall ensure that all necessary transportation is made available for implementing each child's service plan.

(B) Vehicles owned, rented or leased by a residential facility that are used to transport children shall meet all of the following requirements:

(1) All vehicles used for transporting children of the facility shall be annually inspected and approved by the Ohio state highway patrol and continually maintained in a safe operating condition.

(2) Each facility shall maintain written maintenance records on all vehicles which are used for transporting children.

(3) First aid supplies shall be located in each when the vehicle is used to transport children.

(4) All vehicles shall be maintained in a safe condition and in compliance with all motor vehicle laws and shall be covered by liability insurance in accordance with current state laws.

(C) Vehicles privately owned, rented or leased that are used by a residential facility to transport children shall meet all of the following requirements:

(1) All privately owned vehicles used to transport children of the facility shall be annually inspected and approved by the Ohio state highway patrol and continually maintained in a safe operating condition.

(2) The residential facility shall keep current documentation of automobile insurance for all privately owned vehicles used to transport children of the facility.

(3) First aid supplies shall be located in each privately owned vehicle when the vehicle is used to



transport children of the facility.

(4) All privately owned vehicles used to transport children of the facility shall be maintained in a safe condition and in compliance with all motor vehicle laws and shall be covered by liability insurance in accordance with current state laws.

(D) Each residential facility shall ensure that any employee shall have a valid driver's license when transporting children in either a privately owned vehicle or a vehicle owned by the facility.

(E) Each residential facility shall ensure that supervision appropriate to the number and ages of children being transported is available in any vehicle used by the facility to transport children.

(F) In a vehicle which is required by law to be equipped with passenger safety belts, the driver and all passengers shall be properly restrained by a safety belt while the vehicle is in motion.

(G) Children less than four years old or forty pounds in weight shall be restrained in a child restraint seat secured by a safety belt or the lower anchors and tethers for children (LATCH) system. The child restraint seat shall not be placed in the front seat of any motor vehicle that has a back seat.

(1) An infant less than one year of age or twenty pounds in weight shall be restrained only in a rear-facing position and, whenever possible, shall not be placed in the front seat of a motor vehicle equipped with passenger air bags.

(2) Children at least one year old and between twenty pounds and forty pounds in weight shall be restrained in a forward-facing position.

(H) If paragraph (G) of this rule does not apply and the child is less than eight years of age and less than four feet nine inches in height, the child shall be properly restrained in a booster seat. The booster seat shall be placed in the back of any motor vehicle that has a back seat.

(I) If paragraph (G) of this rule does not apply and the child is at least eight years of age but not older than fifteen years of age, the child shall be restrained in a belt positioning booster seat in a forward-facing position or in a seat belt including both a lap belt and a shoulder belt in vehicles that



are so equipped.

(J) Each residential facility shall ensure the recall and safety information issued by the consumer product safety commission (CPSC) related to child safety seats or booster seats are reviewed. Any safety recommendations made by the CPSC in regard to child safety seats or booster seats shall be implemented by the facility.

(K) Whenever possible, all children age twelve and under, when riding in a motor vehicle equipped with a back seat, shall not ride in the front seat of the vehicle.

(L) Paragraphs (G), (H) and (I) of this rule do not apply to a residential facility who has a signed affidavit by a licensed physician in Ohio or a licensed chiropractor in Ohio. The affidavit shall state that the child who otherwise would be required to be restrained, has a physical impairment that makes use of a child restraint system, booster seat, or an occupant restraining device impossible or impractical, provided the person operating the vehicle has safely and appropriately restrained the child in accordance with any recommendation of the physician or chiropractor as noted on the affidavit.