

Westcoast Child Care Resource Centre

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Transporting Children in Personal or Commercial Vehicles

The purpose of this print resource is to:

- provide some background information on the development of a policy and procedure to transport children in private passenger and commercial vehicles
- provide a checklist that will identify key areas for development of such policy and procedures

A well-developed policy will take into consideration the following:

- Parental Consent
- Child Safety Restraint Systems: Laws and Regulations
- Liability Insurance for private passenger vehicles and commercial vehicles

Parental Consent

The INFORM Guide: *An Administrative Manual For Non-Profit Child Care in BC*, (Third Edition September 2002), states that a consent form is simply a formal acknowledgement of a reasonable and normal degree of risk. Consent forms are a useful way of getting families to acknowledge the normal and reasonable risk of a child's participation in program activities. They provide parents an opportunity to opt out of certain programs if they do not want their child exposed to certain risks accompanying certain activities. Consent forms are never a defence against negligence.

A separate consent form should always be obtained for field trips or special outings that involve transporting children in vehicles. Parents or guardians should have access to the program policy and procedures that outline the precautions and guidelines for transporting children so they can make an informed choice.

Child Safety Restraint Systems and the Law

A transportation policy should detail procedures around the use of child safety restraints including car seats and seat belts.

Relevant Legislation/Regulations include:

- **Federal :**
Department of Justice Canada and Transport Canada: Motor Vehicle Safety Act: Motor Vehicle Restraint Systems and Booster Cushions Safety Regulations (RSSR)
- **Provincial:**
Ministry of Transportation: Motor Vehicle Act and Motor Vehicle Act Regulations (MVAR): Division 36 Child Seating and Restraint Systems

A Brief Summary of Legal Requirements

The federal and provincial laws relating to child safety restraint systems are the minimum required standards. Drivers must ensure that all infants and children are properly secured in certified child restraint systems.

The Motor Vehicle Act Regulations state, as of July 1, 2008, **all drivers** must ensure **all children** (under 16) are restrained appropriately as described below.

Birth to at least 1 year AND 9kg (20 lb.)

- Rear-facing infant/child car seat
- NOT on a front seat with an active air bag

Over 1 year AND weighs 9 kg to 18 kg (20 to 40 lb.)

- Forward-facing child car seat
- May remain rear-facing if allowed by manufacturer's weight limit

Over 18 kg (40 lb.) until 9th birthday unless they have reached 145 cm (4'9") in height

- Booster seat and lap/shoulder seat belt
- If no lap/shoulder seat belt is available, child must be secured without a booster seat by a lap belt
- May remain in forward-facing child car seat with harness if allowed by manufacturer's weight limit

After 9th birthday or if child has reached 4'9" in height

- Seat belt
- May remain in booster seat if allowed by manufacturer's weight limit

Considerations for using and installing child seats:

Choose a seat that:

- Is appropriate for child's age and weight.
- Meets Canadian Motor Vehicle Safety Standards. Look for the CMVSS label on the seat.
- Fits the vehicle and can be installed correctly.
- Is easy to use. Always follow the manufacturer's instructions and refer to the vehicle owner's manual.

Avoid common installation and use mistakes

Infant and Child Safety Seats:

- Seat belt is too loose
- Harness is too loose
- Harness is in the wrong slot
- Tether strap is not secured
- Child put forward-facing before reaching 1 year of age AND 9 kg (20 lb)

Booster Seats and Seat Belts:

- Child put in booster seat too soon (before weighing 18 kg or 40 lb.)
- Child put in the seat belt too soon (before 9th birthday, unless they have reached 145cm or 4'9" in height)
- Shoulder belt is behind the child's back or under his arm

For information on choosing, using and installing child car seats and further details on the laws and regulations:

- BCAA Traffic Safety Foundation website at www.bcaa.com/road-safety
- ICBC website at www.icbc.com/road-safety/safer-drivers/Pages/child-car-seats.aspx
- BCAA Traffic Safety Foundation Child Seat Information Line toll free at 1-877-247-5551
- Transport Canada website at www.tc.gc.ca/eng/motorvehiclesafety/menu.htm

The Child Care Licensing Regulation states:

Transportation

45 (1) If children are to be transported by vehicle by a licensee or a licensee's employees, the licensee must ensure that the driver of the vehicle

(a) is 19 years old or older, and

(b) holds a driver's license that permits the driver to operate the type of vehicle being used.

(2) If more than 7 children are transported in a single vehicle, a licensee must ensure that at least one responsible adult, not including the driver, is in the vehicle.

(3) Subsection (2) does not apply to a licensee who provides a care program described as Group Child Care (School Age), Family Child Care or In-Home Multi-Age Child Care.

Child Seats on School Buses:

The following information is provided by Transport Canada. For more information please refer to www.tc.gc.ca/eng/motorvehiclesafety/menu.htm

- Transport Canada does not recommend using lap belts in school buses for various safety reasons. Buses are designed to minimize injuries in the event of an accident.
- Transport Canada does recommend that children under the age of 4 ½ and weighing less than 18 kg (about 40 lbs) be transported in an appropriate child restraint system while on a school bus. The restraint system should be correctly attached, using a set of new lower anchorage attachments, with a properly installed tether strap.
- Children weighing 18 kg or more, who would be using a booster seat or seat belt in a passenger car, are well protected by the normal seating in a school bus.

Liability Insurance for Passenger and Commercial Vehicles

To develop a transportation policy, it is important to know and understand liability coverage of the organization and all vehicles that are used to transport children.

Private Passenger Vehicles:

- Many organizations rely on parents and volunteers to help transport children on field trips and to and from school. It is important to ensure that a child care program's own insurance policy contains "**non-owned vehicle liability coverage**".
 - *Definition: "Non-owned Automobile Insurance"*
A non-owned automobile is a vehicle that is not owned by either the child care program or its owners. When a staff member, parent or other volunteer use their vehicle on behalf of the program, their own third party liability insurance is primary when the liability arises for bodily injury or property damage to third parties, including children of the program. If the vehicle owner's policy has lapsed or the liability limit proves inadequate, the non-owned automobile policy would respond. Under the non-owned automobile excess liability clause contained in your liability insurance policy, any employee/volunteer/substitute using their own vehicle while at work is covered by the employer's insurance and doesn't need to purchase additional insurance.

Contact your insurance provider if you have any questions regarding your coverage.

It is recommended to have copies of the following information on file for all those using their private passenger vehicles to transport children:

- Valid Drivers License
- Proof of Insurance
- Current Vehicle Registration

ICBC recommends that private passenger vehicles used to transport children have minimum liability coverage of two million (\$2,000,000). The liability insurance is covered on a per occurrence basis, not per child.

Commercial Vehicles

- Some organizations have their own vehicles (car, van or bus) that are used to transport children. It is necessary to be insured with the appropriate rate class (business or bus) for vehicles to be used for this purpose.
- It is recommended to have a minimum liability coverage of five million (\$5,000,000) with the maximum available of ten million (10,000,000)
- Consult with your *Autoplan* insurance provider to obtain adequate rate and liability coverage.
- Follow the above recommendations for child safety restraints in all vehicles used to transport children.
- Ensure that all drivers of commercial vehicles have current and necessary driver license classes:
 - Class 5 license is required to drive a passenger van that carries 10 or less passengers.
 - Class 4 license is required to drive a passenger van that carries 11 or more passengers.
 - Class 2 license is required to drive a school bus.

Additional Points to Consider:

Other points to consider when developing policies and procedures for transporting children using Private Passenger vehicles or Commercial vehicles:

Ensure that:

- Drivers are not under the influence of alcohol or drugs
- Drivers carry a cell phone and have the appropriate contact information for the children they are transporting and the program designate

- Vehicles used to transport children are in good working condition, not requiring maintenance and repairs
- Vehicles used to transport children are equipped with a roadside safety kit that contains:
 - ✓ First aid kit
 - ✓ Fire extinguisher
 - ✓ Flashlight
 - ✓ Warning flares and cones
- An alternate plan is in place for inclement weather
- Children are not permitted to travel in the front passenger seat
- Drivers are provided with detailed directions for their destination and a plan for checking in with the program designate

This information is presented as a resource for licensed child care facilities. Westcoast Child Care Resource Centre does not assume responsibility for actions taken based on information provided in this document.