

5101:2-9-32                      **Transportation.**

- (A) A residential facility shall ensure that all necessary transportation is made available for implementing each child's service plan.
- (B) All vehicles owned, rented or leased by a residential facility and which are used to transport children, shall be annually inspected and approved by the Ohio state highway patrol and continually maintained in a safe operating condition. Each facility shall maintain written maintenance records on all vehicles owned, rented or leased by it which are used for transporting children. First aid supplies shall be located in each vehicle owned, rented or leased by the residential facility to transport children.
- (C) The residential facility shall keep documentation of automobile insurance for all privately owned vehicles used to transport children of the facility. The documentation of automobile insurance shall be updated annually to ensure the insurance coverage is current. First aid supplies shall be located in each privately owned vehicle when the vehicle is used to transport children of the facility.
- (D) 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.
- (E) 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. ~~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. 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. Children at least one year old and between twenty pounds and forty pounds in weight shall be restrained in a forward-facing position. When the child is at least four years old and forty pounds in weight and less than eighty pounds or shorter than four feet nine inches in height, the child shall be restrained in a belt positioning booster seat in a forward-facing position. 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.~~
- (F) 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.
- (G) If paragraph (F) 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.
- (H) If paragraph (F) 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.
- (I) 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.
- (J) Paragraphs (F), (G) and (H) 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.

Effective:

R.C. 119.032 review dates: 08/01/2010

---

Certification

---

Date

Promulgated Under: 119.03  
Statutory Authority: 5103.03  
Rule Amplifies: 5103.02, 5103.03  
Prior Effective Dates: 12/30/66, 10/1/86, 1/1/91, 9/18/96, 9/1/02, 1/1/08.