Transportation and Vehicle Requirements for Licensed Child Care Centers Effective in 2012
Frequently Asked Questions

1. What are the changes to the child care transportation vehicle requirements?

Many child care centers previously transported children in 12 or 15-passenger vans. Effective September 1, 2012, those vehicles became “non-conforming” vehicles and are prohibited for use at all licensed child care centers.

Beginning September 1, 2012, the West Virginia Department of Health and Human Resources (WVDHHR) required all vehicles the child care agency owns or operates 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 buses” (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 in family cars, SUVs and passenger vans which are designed to carry nine or fewer passengers. Please note that all vehicles operated by a licensed child care center are required to comply with all passenger restraint requirements.

2. Do all types of buses satisfy 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:

- Large school buses
- Small school buses
- Multifunction school activity buses (MFSABs).

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

**Buyer Beware:** Look closely at the certification label. Avoid buying 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 November 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.

4. **How is a Multifunction 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).
Both of these vehicles meet FMVSS standards and look very similar. The significant difference between these two vehicles is that the MFSAB does not have the warning lights or the stop-sign arm.

The MFSAB can be a good alternative to a small school bus for child care providers.

**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, do not require a West Virginia Commercial Driver’s License (CDL). The local Division of Motor Vehicle has the most current information on driver license requirements or you may go to:

http://www.transportation.wv.gov/dmv/Commercial/Pages/default.aspx

Vehicles like the example below are commonly used for airport parking transportation and hotel shuttles. While it looks similar to the small school buses and the MFSABs, it does not conform to FMVSS school bus standards and cannot be used by a child care center.

Do Not Use This Type of Vehicle

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

Child care center licensing rules require that all children are transported in an approved child safety restraint system that meets the federal recommendations of the National Highway Traffic Safety Administration (NHTSA), either a child safety seat or booster seat or seat belt, and is secured with
seat belts at a ratio of one child per seat belt. The current West Virginia Child Passenger Safety Law states that all children up to the age of eight must be properly secured in a federally approved child safety seat, which does include a booster seat. The only size provision to the law is that if the child reaches the height of four feet, nine inches tall before his/her eighth birthday, a seat belt becomes legally sufficient. This law is a primary enforcement law, meaning law enforcement can pull you over if they suspect your child is not properly restrained in a child safety seat.

For more details on the WV law please go to:
http://www.transportation.wv.gov/dmv/cps/pages/default.aspx

For details on the federal law please go to:

The types of restraints that are required depend on the size and age of the children being transported and the type of vehicle. 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 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 center licensing unit will require factory installed or approved restraint anchorages or retrofitting that is accompanied by a certification document from the manufacturer/installer. Therefore West Virginia will only recognize professional retrofitting that is done by a legitimate bus manufacturer, conversion company, or other recognized professional installer.

**Buyer Beware:** A seller may claim that a bus has been properly retrofitted to meet the restraint anchorage 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.
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. 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. Ensure 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. 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.
- 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 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 Center Licensing Specialist 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 a center’s vehicles:

- 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 check compliance with child safety restraints
- They will check for a current inspection sticker and that the vehicle is insured
- They will observe for required wording on the outside of the vehicle and that proper emergency equipment is located inside the vehicle

12. Can I make my non-conforming vehicle comply with the regulation by removing the back seat and not transport more than 9 children?

No, the structural integrity of the vehicle, as shown in the picture below, will not meet with the intent of the regulation. Removing the backseat was one means of making the vehicle less likely to rollover in certain circumstances and was practiced by some centers prior to the effective date of the regulation, but that practice will not bring a center into compliance.