

83074 Transportation

(a)

In addition to Section 80074, the following shall apply.

(b)

When transporting children in a private motor vehicle the licensee shall secure the children as specified below: (1) Infants shall be secured in a car seat designed for infants. (2) All children between two and four years of age and all children who weigh less than 40 pounds, or who have disabilities which prevent them from sitting unassisted, shall be secured in a car seat or harness designed for such children. (3) Children over four years of age and who weigh over 40 pounds who are able to sit unassisted shall be secured in the vehicle's regular seat belt/harness.

(1)

Infants shall be secured in a car seat designed for infants.

(2)

All children between two and four years of age and all children who weigh less than 40 pounds, or who have disabilities which prevent them from sitting unassisted, shall be secured in a car seat or harness designed for such children.

(3)

Children over four years of age and who weigh over 40 pounds who are able to sit unassisted shall be secured in the vehicle's regular seat belt/harness.

(c)

The licensee and their staff are prohibited from smoking a tobacco product, or permitting any person from smoking a tobacco product in a motor vehicle that is regularly used to transport children, regardless of when the children are present. This prohibition applies when the motor vehicle is moving or at rest. Smoking has the same meaning as in subdivision (c) of Section 22950.5 of the Business and Professions Code, and tobacco product means a product or device as defined in subdivision (d) of Section 22950.5 of the Business and Professions Code.

(d)

The licensee shall provide transportation for a child in a timely manner to and from the following: (1) Health-related services. (2) School. (3) Extracurricular, enrichment, cultural, and social activities, in accordance with the reasonable and prudent parent standard specified in Section 83067.

(1)

Health-related services.

(2)

School.

(3)

Extracurricular, enrichment, cultural, and social activities, in accordance with the reasonable and prudent parent standard specified in Section 83067.

(e)

The licensee shall ensure that the transportation provided safeguards the health and safety of a child and shall not violate the personal rights of a child as required by Section 83072, including the right to have equal access to all available services and to not be subjected to discrimination on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color,

religion, sex, sexual orientation, gender identity and expression, mental or physical disability, or HIV status.

(f)

The licensee may satisfy the obligation to provide transportation as required by this section if the licensee has entered into a written agreement with a third party, such as an agency, entity or individual, for the regular provision of transportation. The written agreement shall be made available to the department upon request. The licensee may also satisfy the obligation to provide transportation as required by this section if the licensee uses a third party on a rare occurrence, that is not regular or routine, to provide transportation without a written agreement and the licensee meets all requirements for the reasonable prudent parent standard.