

Requirements and Recommendations for the Transportation of Children by Schools, Child Care Centers and other Organizations in North Carolina



Basic Provisions of NC's Occupant Restraint (OR) Laws:

- All drivers and passengers must be buckled up in either the front or back seat of any vehicle required by federal standards to be equipped with seat belts (as of December 1, 2006).
- Drivers are legally responsible for all children and youth less than age 16 in the vehicle. Passengers 16 and older are responsible for themselves.
- A child who is younger than age 8 AND who weighs less than 80 pounds must be properly secured in a child passenger restraint device (CRD) or booster seat.
- When a child reaches age 8 (regardless of weight) OR 80 pounds (regardless of age), a properly fitted seat belt may be used.
- A child who weighs at least 40 pounds may be restrained by a properly fitted lap-belt-only if no seating position equipped with a lap and shoulder belt is available. All lap and shoulder belt positions must be occupied before the lap-only seat belt is allowed.

Basic Types of Restraints



Rear-facing Only



Rear-facing Convertible



Front-facing Convertible



Belt Positioning Booster



Lap and Shoulder Belt



Lap Belt with Harness

No type of organization is exempt from the NC OR Laws, only types of vehicles. In addition, some programs may be subject to additional state and/or federal regulations as noted below.

WARNING: Belt-positioning booster seats must NEVER be used with just a lap belt. Belt-positioning booster seats can only be used with lap and shoulder seat belts.

Transporting Children in 15-Passenger Vans

15-passenger vans are required to have seat belts in all seating positions and are covered under the NC Child Passenger Safety Law. Organizations using vans or other passenger vehicles to transport children must comply with all provisions of the NC CPS law. Some programs, however, may be subject to additional state, federal, or program-specific regulations that prohibit the use of vans for transporting children unless they are built to school bus standards. (See "Additional State and Federal Regulations.")

Older models of vans may have lap-belt-only seat belts in all rear seats. In this case, children less than 40 pounds in weight are required to be in a CRD with a harness. Children weighing at least 40 pounds can be in just the lap belt without a booster seat, but using CRs with higher weight limit harnesses (more than 40 pounds) is better.

Images courtesy of
Childrens' Hospital of Philadelphia

Some rear seat positions in newer vans are equipped with lap and shoulder combination belts. If this is the case:

1. Place children less than 40 pounds in child restraints with harnesses and install these restraints in lap-belt-only positions or, if possible, use higher weight harness CRs with children over 40 pounds in lap only positions.
2. Place children who are at least 8 years old OR weigh at least 80 pounds in properly fitted lap and shoulder seat belts. Shoulder belts tucked under the arm or placed behind the back are ILLEGAL and UNSAFE.
3. Place children less than age 8 AND less than 80 pounds in remaining lap and shoulder belt positions in belt positioning boosters.
4. Place any additional children who are at least 40 pounds in any remaining lap-belt-only positions using just the lap belt. DO NOT use belt-positioning booster seats in the lap-belt-only positions.

Transporting Children in School Buses

Federal standards do not require seat belts, except for the driver, on large buses with Gross Vehicle Weight Ratings (GVWR) of more than 10,000 pounds. School buses rely on strong, closely spaced, well-padded, energy absorbing seats and higher seat backs to "compartmentalize" and protect passengers during a crash. The size and construction of school buses as well as compartmentalization make them very safe vehicles.

Large buses are exempt from the NC CPS Law since they are not required to have seat belts for passengers. This exemption includes large school and activity buses as well as municipal transit and charter buses. Organizations that provide transportation on large buses do not have to install seat belts and use child restraints for the children being transported in order to comply with this law unless the organization is subject to additional standards and regulations. (See "Additional State and Federal Regulations.")

Seat belts are required in all positions on small buses that weigh 10,000 pounds or less. Some school buses fit into this category. Children being transported in these smaller buses are covered under the NC CPS law. Most of the seat belts on these smaller buses are lap-belt-only seat belts. Children less than 40 pounds in weight are required to be in a child restraint appropriate for their weight. Children who weigh 40 pounds or

WARNING: Belt-positioning booster seats must NEVER be used with just a lap belt. Belt-positioning booster seats can only be used with lap and shoulder seat belts.

more can be restrained by just the lap belt without a booster seat. Operators of smaller buses (under 10,000 lbs) required to have seat belts are subject to the NC CPS law and must comply. Note that most seat belts on school buses, even the smaller buses, are lap-belt-only seat belts that may not be used with belt positioning boosters. Refer to "Summary of Requirements to comply with the NC CPS Law and Recommendations for Maximum Safety in ANY VEHICLE" for recommendations.

Recommendations for Transporting Pre-School Children on School Buses

The National Highway Traffic Safety Administration (NHTSA) believes, and research confirms, that school buses are one of the safest forms of transportation in this country. Therefore NHTSA strongly recommends that all buses used to transport pre-school and school children be certified as meeting NHTSA's school bus safety standards. Using vans that do not meet the school bus standards to transport students could result in increased liability in the event of a crash.

The National Highway Traffic Safety Administration (NHTSA) further recommends that preschool age children are best transported in child restraints even on the larger school buses. If it is determined that a child must be transported in a child restraint on a bus, the NHTSA "Guidelines for the Safe Transportation of Preschool Age Children in School Buses" (February, 1999) should be followed. These guidelines are available on www.buckleupnc.org.

An additional resource is the "Guide for the Transportation of Preschoolers and Children with Disabilities for North Carolina Public Schools: Transportation Policies, Guidelines, and Best Practices," also available on www.buckleupnc.org.

Additional State and Federal Regulations

While federal regulations do not prohibit the use of vans by schools, they do require that new vans with a capacity of more than 10 persons purchased or leased with the intent to transport children to or from school or school events to meet the same safety standards applicable to school buses.

Head Start regulations require that children weighing 50 pounds or less must be restrained in height- and weight-appropriate child restraints. Programs transporting children to and from Head Start and Early Head Start programs must use school buses or "allowable alternate vehicles" by January 2006.

An "allowable alternate vehicle" is a vehicle designed for carrying eleven or more people, including the driver, that meets all the Federal Motor Vehicle Safety Standards applicable to school buses except those related to flashing lights and stop arms. Vans that do not meet the school bus standards are prohibited. Head Start transportation regulations are available on www.buckleupnc.org.

North Carolina Child Care Transportation standard NCAC 09.1001 covers NC child care centers and requires that all children less than 2 years of age to be transported in a child restraint, even on buses. Thus, child care centers transporting children less than age 2 on buses may need to retrofit the bus with belts in order to use child restraints for these children. Transportation standards for NC child care centers are available on www.buckleupnc.org.

Summary of NC Restraint Requirements for Vehicle Types

- ▶ No types of organizations are exempt from the NC Child Passenger Safety (CPS) and Seat Belt laws, only types of vehicles.
- ▶ **Buses weighing more than 10,000 pounds:**
 - Are not required by Federal Standards to be equipped with seat belts, except for the driver, and are exempt from the NC CPS law.
 - Organizations that provide transportation on buses >10,000 pounds do not have to restrain children in seat belts or child restraints to comply with NC law.
 - Organizations that provide transportation on large buses may be required to restrain children in seat belts or child restraints to comply with applicable state, federal or program-specific regulations.
- ▶ **Buses weighing under 10,000 pounds:**
 - Are required to have seat belts in all seating positions.
 - Organizations that provide transportation on smaller buses are subject to and must comply with the NC CPS and Seat Belt laws.
- ▶ **Vans and mini-vans:**
 - Organizations that provide transportation on vans of any size are subject to and must comply with the NC CPS and Seat Belt laws.

Summary of Requirements to comply with the NC CPS Law and Recommendations for Maximum Safety in ANY VEHICLE:

- ▶ In positions equipped with lap and shoulder seat belts, restrain children:
 - In properly installed child restraints with harnesses if they weigh less than 40 pounds.
 - In belt positioning booster seats if they are both less than eight years old and weigh less than 80 pounds.
 - In properly fitted lap and shoulder belt if they are at least eight years old or if they weigh at least 80 pounds.
 - **RECOMMENDATION:** Continue to use booster seats until both the lap and shoulder belts fit correctly on the child.
- ▶ In positions equipped with just lap belts, and if there are no lap and shoulder belted positions available, restrain children:
 - In properly installed child restraints with harnesses if they weigh less than 40 pounds.
 - In properly fitted lap-only seat belts if they weigh 40 pounds or more.
 - **RECOMMENDATION:** Children over 40 pounds should be restrained by options other than just the lap belt if possible. These options may require additional installation in vehicles because they are anchored with top tether straps in addition to seat belts. Recommended options for children over 40 pounds in lap-belt-only positions include:
 - There are many models of restraints with harnesses that can be used for children heavier than 40 lbs. And should be used when possible.
 - There are harnesses of various types that can be used for children over 40 pounds (example: E-Z-On Products).
 - Check with the manufacturer to see if retrofit shoulder belt kits are available for some older models of cars and vans.

For further information contact: UNC Highway Safety Research Center 800-672-4527 / 919-962-2202 www.buckleupnc.org www.hsrc.unc.edu	For further information or to order brochures or other educational materials, contact: NC Governor's Highway Safety Program 919-733-3083 www.ncdot.org/programs/GHSP	NC Department of Insurance NC Safe Kids Buckle Up 888-347-3737 / 919-661-5880 www.ncsafekids.org
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