

**State of Wisconsin
Department of Children and Families**

Child Care Vehicle Safety Alarm

DCF 202, 250, 251, and 252

The Wisconsin Department of Children and Families proposes to renumber ss. DCF 250.12 (2), 251.12 (2), and 252.06 (2); to amend s. DCF 202.04 (7) (b) 2. d.; and to create ss. DCF 202.08 (9) (f), 202.09 (12) (h), 250.08 (8), 250.12 (2) (b), 251.08 (8), 251.12 (2) (b), 252.06 (2) (b), and 252.09 (5), relating to the child care vehicle safety alarm.

Analysis Prepared by the Department of Children and Families

Statutory authority: Section 48.658 (4), Stats., as amended by 2015 Wisconsin Act 172

Statutes interpreted: Sections 48.651 (2) and 48.658, as amended by 2015 Wisconsin Act 172

Related statute or rule: None

Explanation of Agency Authority

Section 48.658, Stats., provides that before a child care vehicle is placed in service, the child care provider or contractor of a child care provider that is the owner or lessee of the child care vehicle shall have an alarm system that prompts the driver of the vehicle to inspect the vehicle for children before exiting. A child care vehicle is defined as a vehicle that has a seating capacity of 6 or more passengers in addition to the driver, that is owned or leased by a child care provider or a contractor of a child care provider, and that is used to transport children to and from the child care provider.

Section 48.658 (4), Stats., as amended by 2015 Wisconsin Act 172, provides that the department shall promulgate rules to implement the section. Those rules shall include a rule requiring the department, whenever it inspects a child care provider that is licensed under s. 48.65 (1), Stats., or established or contracted for under s. 120.13 (14), Stats., and a county department or an agency contracted under s. 48.651 (2), Stats., whenever it inspects a child care provider that is certified under s. 48.651, to inspect the child safety alarm of each child care vehicle to determine whether the child safety alarm is in good working order.

Section 48.651 (2), Stats., as amended by 2015 Wisconsin Act 172, provides that the department in a county having a population of 750,000 or more or a county department shall certify child care providers or the department may contract with a Wisconsin Works agency, as defined in s. 49.001 (9), child care resource and referral agency, or other agency to certify child care providers in a particular geographic area or for a particular Indian tribal unit.

Summary of the Proposed Rules

The proposed rules amend the child care certification, family child care licensing, group child care licensing, and day camp licensing rules to incorporate the requirements on child care vehicle safety alarms in s. 48.658, Stats.

The proposed rules provide that a vehicle must be equipped with a child safety alarm that prompts the driver to inspect the vehicle for children before exiting the vehicle if the vehicle is owned or leased by a certified child care operator or licensee or a contractor of a child care operator or licensee, has a seating capacity of 6 or more passengers plus the driver, and is used to transport children in care.

No person may shut off a child safety alarm unless the driver first inspects the vehicle to ensure that no child is left unattended in the vehicle. The child safety alarm shall be in good working order each time the vehicle is used for transporting children to or from a child care home, child care center, or base camp.

The child care licensing rules will be amended to require that the department inspect the child safety alarm of each vehicle to determine whether the child safety alarm is in good working order at least once per year. The child care certification rule will be amended to require a certification agency to inspect the child safety alarm as part of the on-site inspection of the premises done before initial certification, recertification, or within 30 days following a child care operator's move to a new location.

Summary of Factual Data and Analytical Methodologies

The proposed rules incorporate the requirements of s. 48.658, Stats.

Summary of Related Federal Requirements

None

Comparison to Adjacent States

None of the adjacent states has a child care vehicle safety alarm requirement.

Effect on Small Business

The proposed rules will not affect small businesses as defined in s. 227.114 (1), Stats.

Analysis Used to Determine Effect on Small Business or Economic Impact

The requirements in the rules that affect child care providers are also in statute.

Agency Contact Person

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SECTION 1. DCF 202.04 (7) (b) 2. d. is amended to read:

DCF 202.04 (7) (b) 2. d. Conduct an on-site inspection of the premises where child care will be provided, including areas that will not be used for child care, before initial certification, recertification, or within 30 days following a child care operator's move to a new location. The inspection of the premises shall include an inspection of each vehicle that is required to have a child safety alarm under s. DCF 202.08 (9) (f) 1. or 202.09 (12) (h) 1. to determine whether the child safety alarm is in good working order.

SECTION 2. DCF 202.08 (9) (f) is created to read:

DCF 202.08 (9) (f) 1. A vehicle is equipped with a child safety alarm that prompts the driver to inspect the vehicle for children before exiting if all of the following conditions apply:

a. The vehicle is owned or leased by a child care operator or a contractor of a child care operator.

b. The vehicle has a seating capacity of 6 or more passengers plus the driver. The seating capacity of the vehicle shall be determined by the manufacturer.

c. The vehicle is used to transport children in care.

2. No person may shut off a child safety alarm unless the driver first inspects the vehicle to ensure that no child is left unattended in the vehicle.

3. The child safety alarm is in good working order each time the vehicle is used for transporting children to or from a child care home.

Note: Information on the required vehicle safety alarm is available on the department's website at <http://dcf.wisconsin.gov>.

SECTION 3. DCF 202.09 (12) (h) is created to read:

DCF 202.09 (12) (h) 1. A vehicle shall be equipped with a child safety alarm that prompts the driver to inspect the vehicle for children before exiting if all of the following conditions apply:

a. The vehicle is owned or leased by a child care operator or a contractor of a child care operator.

b. The vehicle has a seating capacity of 6 or more passengers plus the driver. The seating capacity of the vehicle shall be determined by the manufacturer.

c. The vehicle is used to transport children in care.

2. No person may shut off a child safety alarm unless the driver first inspects the vehicle to ensure that no child is left unattended in the vehicle.

3. The child safety alarm shall be in good working order each time the vehicle is used for transporting children to or from a certified school-age child care program.

Note: Information on the required vehicle safety alarm is available on the department's website at <http://dcf.wisconsin.gov>.

SECTION 4. DCF 250.08 (8) is created to read:

DCF 250.08 (8) CHILD CARE VEHICLE SAFETY ALARM. (a) A vehicle shall be equipped with a child safety alarm that prompts the driver to inspect the vehicle for children before exiting if all of the following conditions apply:

1. The vehicle is owned or leased by a licensee or a contractor of a licensee.

2. The vehicle has a seating capacity of 6 or more passengers plus the driver. The seating capacity of the vehicle shall be determined by the manufacturer.

3. The vehicle is used to transport children in care.

(b) No person may shut off a child safety alarm unless the driver first inspects the vehicle to ensure that no child is left unattended in the vehicle.

(c) The child safety alarm shall be in good working order each time the vehicle is used for transporting children to or from a center.

Note: Information on the required vehicle safety alarm is available in the "child care licensing/information for providers" section of the department website at <http://dcf.wisconsin.gov>.

SECTION 5. DCF 250.12 (2) is renumbered DCF 250.12 (2) (a).

SECTION 6. DCF 250.12 (2) (b) is created to read:

DCF 250.12 (2) (b) At least once per year, the department shall inspect each vehicle that is required to have a child safety alarm under s. DCF 250.08 (8) (a) to determine whether the child safety alarm is in good working order.

SECTION 7. DCF 251.08 (8) is created to read:

DCF 251.08 (8) CHILD CARE VEHICLE SAFETY ALARM. (a) A vehicle shall be equipped with a child safety alarm that prompts the driver to inspect the vehicle for children before exiting if all of the following conditions apply:

1. The vehicle is owned or leased by a licensee or a contractor of a licensee.

2. The vehicle has a seating capacity of 6 or more passengers plus the driver. The seating capacity of the vehicle shall be determined by the manufacturer.

3. The vehicle is used to transport children in care.

(b) No person may shut off a child safety alarm unless the driver first inspects the vehicle to ensure that no child is left unattended in the vehicle.

(c) The child safety alarm shall be in good working order each time the vehicle is used for transporting children to or from a center.

Note: Information on the required vehicle safety alarm is available in the “child care licensing/information for providers” section of the department website at <http://dcf.wisconsin.gov>.

SECTION 8. DCF 251.12 (2) is renumbered DCF 251.12 (2) (a).

SECTION 9. DCF 251.12 (2) (b) is created to read:

DCF 251.12 (2) (b) At least once per year, the department shall inspect each vehicle that is required to have a child safety alarm under s. DCF 251.08 (8) (a) to determine whether the child safety alarm is in good working order.

SECTION 10. DCF 252.06 is renumbered DCF 252.06 (2) (a).

SECTION 11. DCF 252.06 (2) (b) is created to read:

DCF 252.06 (2) (b) At least once per year, the department shall inspect each vehicle that is required to have a child safety alarm under s. DCF 252.09 (5) (a) to determine whether the child safety alarm is in good working order.

SECTION 12. DCF 252.09 (5) is created to read:

DCF 252.09 (5) CHILD CARE VEHICLE SAFETY ALARM. (a) A vehicle shall be equipped with a child safety alarm that prompts the driver to inspect the vehicle for children before exiting if all of the following conditions apply:

1. The vehicle is owned or leased by a licensee or a contractor of a licensee.
2. The vehicle has a seating capacity of 6 or more passengers plus the driver. The seating capacity of the vehicle shall be determined by the manufacturer.
3. The vehicle is used to transport children in care.

(b) No person may shut off a child safety alarm unless the driver first inspects the vehicle to ensure that no child is left unattended in the vehicle.

(c) The child safety alarm shall be in good working order each time the vehicle is used for transporting children to or from a base camp.

Note: Information on the required vehicle safety alarm is available in the “child care licensing/information for providers” section of the department website at <http://dcf.wisconsin.gov>.

SECTION 13. EFFECTIVE DATE. This rule shall take effect the first day of the month following publication in the Administrative Register as provided in s. 227.22 (2) (intro.), Stats.