



DEPARTMENT OF
CHILDREN AND FAMILIES
Secretary Reggie Bicha
201 East Washington Avenue, Room G200
P.O. Box 8916
Madison, WI 53708-8916
Telephone: 608-266-8684
Fax: 608-261-6972
www.dcf.wisconsin.gov

State of Wisconsin
Governor Jim Doyle

DEPARTMENT OF HEALTH SERVICES
Secretary Karen Timberlake
1 West Wilson Street
P.O. Box 7850
Madison, WI 53707-7850
Telephone: (608) 266-9622
FAX: (608) 266-7882
www.dhs.wisconsin.gov

TO: Income Maintenance Supervisors
Income Maintenance Lead Workers
Income Maintenance Staff
W-2 Agencies
Workforce Development Boards
Job Center Leads and Managers
Training Staff
Child Care Coordinators/Certifiers

FROM: Laura Saterfield, Bureau Director
Bureau of Early Childhood Education
Division of Early Care and Education

DFES OPERATIONS MEMO					
No: 09-44					
DATE: 07/10/2009					
FS	<input type="checkbox"/>	MA	<input type="checkbox"/>	BC+	<input type="checkbox"/>
SC	<input type="checkbox"/>	CTS	<input type="checkbox"/>	CC	<input checked="" type="checkbox"/>
W-2	<input type="checkbox"/>	FSET	<input type="checkbox"/>	EA	<input type="checkbox"/>
CF	<input type="checkbox"/>	JAL	<input type="checkbox"/>	JC	<input type="checkbox"/>
RAP	<input type="checkbox"/>	WIA	<input type="checkbox"/>	Other	<input type="checkbox"/> *
PRIORITY: HIGH					

SUBJECT: Vehicle Safety Alarm Requirement – 2009 Wisconsin Act 19 and 28

EFFECTIVE DATE: 08/01/2009

PURPOSE:

The purpose of this memo is to inform the county/tribal certifying agencies about the new child care vehicle alarm bill that will become a law on 8/1/09. This law applies to certified and licensed providers who transport children in a vehicle with a seating capacity of 6 or more passengers in addition to the driver.

BACKGROUND:

In response to a recent tragedy and other incidents in which children were left in a vehicle, the legislature passed a bill that will require any vehicle owned or contracted for by a child care program that is used to transport children to have a vehicle safety alarm system.

New Vehicle Alarm Legislation

2009 Wisconsin Act 19 requires licensed and certified providers who use a child care vehicle with a seating capacity of 6 or more passengers to have a safety alarm. The bill passed in April 2009 but the timelines were amended with the Wisconsin Budget (2009 Wisconsin Act 28) and signed into law by the governor on 6/26/09. Below is a summary of the new law:

Child Care Vehicle:

“Child Care Vehicle” means “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.”

The most common child care vehicle is a minivan with a seating capacity of 6. These vans must comply with the new law. The vehicle must have the alarm installed even if less than 6 children are being transported.

Sometimes, the providers use vehicles that belong to their friends or relatives (the provider does not own or lease them) to transport the children. The new law requires any child care vehicle to have the alarm before the vehicle is placed in service.

Child Safety Alarm:

“Child Safety Alarm” means “an alarm system that prompts the driver of a child care vehicle to inspect the child care vehicle for children before exiting the child care vehicle.”

A child care provider who uses a vehicle as described above, must have an alarm installed prior to 8/1/09. Licensing has issued a memo that lists vendors who sell these devices. The memo can be found at http://dcf.wisconsin.gov/memos/BRL/2009/2009_05_attachment.pdf. There are very few dealers that install these devices in Wisconsin. Providers can order an alarm and have them contact their mechanic to have the alarms installed. The alarms usually come with detailed installation manuals.

The law also requires the provider to ensure that the alarm is properly maintained and in good working order. This means that they must test it frequently, preferably once each month.

Inspecting Alarms:

The law requires certifying agencies to inspect the alarm when they conduct a site visit to a certified provider.

Violations:

The law specifies that no person may knowingly transport a child or permit a child to be transported in a child care vehicle in which the safety alarm has not been installed, or not properly maintained, or is not in good working order. The law further specifies that no person may remove, disconnect, tamper with or otherwise circumvent the operation of a child safety alarm on replacing or disposing of a malfunctioning alarm. No person may shut off an alarm that is installed in a vehicle unless the person first inspects the vehicle to ensure that no child is left unattended in the vehicle. Any person who violates these provisions can be found guilty of a felony. In addition, the certifying agency may impose sanctions up to and including revocation of the certificate if the provisions of this law are violated.

If the certifying agencies document violations of this law, the agencies are to cite DCF 202.08 (1)(e) Administration. “A certified family child care operator shall do all of the following: 1. Comply with all local and state laws governing the certified child care program and its operation and ensure that all employees and volunteers comply with these laws.” For certified school age programs, cite DCF 202.09(1m)(a) until the DCF 202 has been revised.

Certification Rule Change:

This law requires DCF to promulgate rules to include the vehicle alarm language to be added in DCF202 – Certification rules.

Providers who are not able to have an alarm installed:

Providers, who are not able to have an alarm installed by the implementation date, have two options:

- 1) The provider can stop transporting day care children in the vehicle until the alarm has been installed.
- 2) use a smaller vehicle that has a seating capacity less than 6 passengers.

Note: The provider must comply with all laws pertaining to transporting children such as having each child in proper car seats, use seat belts, etc

Informing providers about the new law:

DCF will mail a letter to all certified providers about the change on July 13th, 2009. A copy of the letter will be sent to the certifying agencies as an email.

Contacts:

Contact Pirkko.zweifel@wi.gov with additional questions.