

Texas Administrative Code \_Title 40. Social Services and Assistance \_Part 19. Department of Family and Protective Services \_Chapter 746. Minimum Standards for Child-Care Centers \_Subchapter V. Swimming Pools and Wading/Splashing Pools

40 TAC § 746.5001

Tex. Admin. Code tit. 40, § 746.5001

§ 746.5001. What safety precautions must I follow when children in my care use a swimming pool?

In addition to complying with the child/caregiver ratios specified in § 746.2105 of this title (relating to What are the child/caregiver ratios for swimming activities?) and other safety requirements specified in § 746.2109 and § 746.2113 of this title (relating to Must a certified lifeguard be on duty when children are swimming in more than two feet of water? and Must persons who are counted in the child/caregiver ratio during swimming know how to swim?), you must comply with the following safety precautions when any child uses a swimming pool (more than two feet of water) both at and away from your child-care center:

- (1) A minimum of two life-saving devices must be available;
- (2) One additional life-saving device must be available for each 2,000 square feet of water surface;
- (3) Drain grates must be in place, in good repair, and must not be able to be removed without using tools;
- (4) Pool chemicals and pumps must be inaccessible to any child;
- (5) Machinery rooms must be locked when any child is present;
- (6) Employees must be able to clearly see all parts of the swimming area;
- (7) The bottom of the pool must be visible at all times;
- (8) An adult must be present who is able to immediately turn off the pump and filtering system when any child is in a pool; and
- (9) All indoor/outdoor areas must be free of furniture and equipment that any child could use to scale a fence or

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barrier or release a lock.

40 TAC § 746.5003

Tex. Admin. Code tit. 40, § 746.5003

§ 746.5003. How should the swimming pool be built and maintained?

Swimming pools used both at and away from the child-care center must be built and maintained according to the standards of the Texas Department of State Health Services for public pools and any other applicable state or local regulations.

40 TAC § 746.5005

Tex. Admin. Code tit. 40, § 746.5005

§ 746.5005. Do the same safety precautions apply for above-ground pools?

Yes. Above-ground pools must meet all pool safety requirements specified in this subchapter and must have a barrier that prevents a child's access to the pool.

40 TAC § 746.5007

Tex. Admin. Code tit. 40, § 746.5007

§ 746.5007. Must I have a fence around a swimming pool at my child-care center?

(a) Yes. You must enclose a swimming pool at your child-care center with a six-foot fence or wall that prevents children's access to the pool.

(b) Fence gates leading to the pool area must have self-closing and self-latching hardware out of children's reach. Gates must be locked when the pool is not in use.

(c) Doors from the child-care center leading to the pool area must have a lock out of children's reach that can only be opened by an adult.

(d) These doors and gates must not be designated as fire and emergency evacuation exits.

40 TAC § 746.5009

Tex. Admin. Code tit. 40, § 746.5009

§ 746.5009. Does having a fence relieve me of the duty to supervise children's access to the pool?

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No. Although a fence and locked access provides a layer of protection for a child who strays from supervision and may deter some children from entering the pool area, these do not replace the need for constant adult supervision and monitoring of safety features to protect children from unsupervised access to the pool.

40 TAC § 746.5013

Tex. Admin. Code tit. 40, § 746.5013

§ 746.5013. What are the safety requirements for wading pools?

(a) Wading/splashing pools (two feet of water or less) at your child-care center must be:

(1) Stored out of children's reach when not in use;

(2) Drained at least daily and sanitized; and

(3) Stored so they do not hold water.

(b) You must comply with the safety precautions specified in § 746.5001 of this title (relating to What safety precautions must I follow when children in my care use a swimming pool?) when using wading/splashing pools away from your child-care center.

40 TAC § 746.5015

Tex. Admin. Code tit. 40, § 746.5015

§ 746.5015. Are there specific safety requirements for sprinkler play?

You must ensure that no child uses sprinkler equipment on or near a hard, slippery surface, such as a driveway, sidewalk, or patio. You must store sprinkler equipment and water hoses out of children's reach when not in use.

40 TAC § 746.5017

Tex. Admin. Code tit. 40, § 746.5017

§ 746.5017. Can children in my care swim in a body of water other than a swimming pool, such as a lake, pond, or river?

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No, you must not allow children to swim in a lake, pond, river, or a body of water other than a swimming pool or wading pool that complies with the rules specified in this subchapter.

40 TAC § 746.5101  
Tex. Admin. Code tit. 40, § 746.5101

**§ 746.5101. Must my child-care center have an annual fire inspection?**

(a) Your child-care center must have a fire inspection before we issue your initial permit and at least once every 12 months, unless your child-care center is located in a public school facility operated by the local independent school district.

(b) If an inspection is required, a state or local fire marshal must conduct the inspection. If an inspection is not available, you must provide documentation of this from a state or local fire marshal or county judge.

40 TAC § 746.5103  
Tex. Admin. Code tit. 40, § 746.5103

**§ 746.5103. How do I document that a fire inspection has been completed?**

If required, you must keep a copy of the most recent fire-inspection report, letter, or checklist at the child-care center during hours of operation to verify the inspection date and findings. The report must include the name and telephone number of the inspector.

40 TAC § 746.5105  
Tex. Admin. Code tit. 40, § 746.5105

**§ 746.5105. Must I make all corrections specified in the fire-inspection report?**

Yes, if required, you must comply with all corrections, restrictions, or conditions specified by the inspector in the fire inspection report, letter, or checklist.

40 TAC § 746.5201  
Tex. Admin. Code tit. 40, § 746.5201

**§ 746.5201. What is an emergency preparedness plan?**

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An emergency preparedness plan is designed to ensure the safety of children during an emergency by addressing staff responsibility and facility readiness with respect to emergency evacuation and relocation. The plan addresses the types of emergencies most likely to occur in your area including but not limited to natural events such as tornadoes, floods or hurricanes, health events such as medical emergencies, communicable disease outbreak, and human-caused events such as intruder with weapon, explosion, or chemical spill.

**40 TAC § 746.5202  
Tex. Admin. Code tit. 40, § 746.5202**

**§ 746.5202. What must my emergency preparedness plan include?**

Your emergency preparedness plan must include written procedures for:

(1) Evacuation, including:

(A) That in an emergency, the first responsibility of staff is to move the children to a designated safe area or alternate shelter known to all employees, caregivers, and volunteers;

(B) How children will be relocated to the designated safe area or alternate shelter, including specific procedures for evacuating children who are under 24 months of age, who have limited mobility, or who otherwise may need assistance in an emergency, such as children who have mental, visual, or hearing impairments;

(C) An emergency evacuation and relocation diagram as outlined in § 746.5207 of this title (relating to Must I have an emergency evacuation and relocation diagram?);

(D) Name and address of the alternate shelter away from the center you will use as needed; and

(E) How children in attendance at the time of the emergency will be accounted for at the designated safe area or alternate shelter.

(2) Communication, including:

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(A) The emergency telephone number that is on file with us;

(B) How you will communicate with local authorities (such as fire, law enforcement, emergency medical services, health department), parents and us; and

(3) How your staff will evacuate with the essential documentation including:

(A) Parent and emergency contact telephone numbers for each child in care;

(B) Authorization for emergency care for each child in care; and

(C) The child tracking system information for children in care.

**40 TAC § 746.5203  
Tex. Admin. Code tit. 40, § 746.5203**

**§ 746.5203. With whom must I share this plan?**

(a) You must share the emergency preparedness plan with employees during orientation as outlined in § 746.1303 of this title (relating to What should orientation to my child-care center include?).

(b) Parents must be generally informed of your emergency procedures; and upon request, the emergency preparedness plan must be available for review by parents.

**40 TAC § 746.5204  
Tex. Admin. Code tit. 40, § 746.5204**

**§ 746.5204. Who must coordinate the implementation of an emergency preparedness plan?**

(a) The director is responsible for implementing the emergency preparedness plan.

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(b) The director may also designate additional employees to be in charge during an emergency evacuation and relocation that occurs when the director is not at the operation.

**40 TAC § 746.5205  
Tex. Admin. Code tit. 40, § 746.5205**

**§ 746.5205. Must I practice my emergency preparedness plans?**

Yes, the following components of your center's emergency preparedness plans must be practiced as specified below:

(1) You must practice a fire drill every month. The children must be able to safely exit the building within three minutes;

(2) You must practice a severe weather drill at least once every three months; and

(3) You must document these drills, including the date of the drill, time of the drill, and length of time for the evacuation or relocation to take place.

**40 TAC § 746.5207  
Tex. Admin. Code tit. 40, § 746.5207**

**§ 746.5207. Must I have an emergency evacuation and relocation diagram?**

(a) Yes. Your emergency evacuation and relocation diagram must be on file at the child-care center and must show the following:

(1) A floor plan of your child-care center;

(2) Two exit paths from each room, unless a room opens directly to the outdoors at ground level;

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(3) The designated location outside of the child-care center where all caregivers and children meet to ensure everyone has exited the child-care center safely; and

(4) The designated location inside the child-care center where all caregivers and children take shelter from threatening weather.

(b) You must post an emergency evacuation and relocation plan in each room the children use. You must post the plan in a prominent place near the entrance and/or exit of the room.

**40 TAC § 746.5209**

**Tex. Admin. Code tit. 40, § 746.5209**

**§ 746.5209. How many exits must my child-care center have?**

(a) The child-care center must have at least two exits to the outside that are located in distant parts of each building.

(b) If any doors open into a fenced yard, the children must be able to open the doors easily from the inside.

(c) You may not count doors that are blocked or locked as exits.

(d) An exit through a kitchen or other hazardous area may not be one of the required exits unless the state or local fire marshal specifically approves in writing.

(e) Doors and gates leading into a pool area may not be counted as an exit.

(f) A window may be used as a designated fire exit only if all children and caregivers are physically able to exit through the window to the ground outside safely and quickly.

**40 TAC § 746.5211**

**Tex. Admin. Code tit. 40, § 746.5211**

**§ 746.5211. Must I have emergency lighting in case of an emergency evacuation?**



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Yes. You must have a source of emergency lighting that is approved by the state or local fire marshal, or battery-powered lighting, available in each classroom in case of electrical failure.

**40 TAC § 746.5301  
Tex. Admin. Code tit. 40, § 746.5301**

**§ 746.5301. Must my child-care center have a fire-extinguishing system?**

Your child-care center must have a fire-extinguishing system. This may be a sprinkler system and/or fire extinguishers. If your center is located in a public school facility operated by the local independent school district, the fire-extinguishing system utilized by the school complies with this standard.

**40 TAC § 746.5303  
Tex. Admin. Code tit. 40, § 746.5303**

**§ 746.5303. Who must approve my fire-extinguishing system?**

The state or local fire marshal must approve a sprinkler system and/or fire extinguishers in your child-care center. If an inspection is not available, you must have at least one fire extinguisher rated 3A-40BC in the child-care center.

**40 TAC § 746.5305  
Tex. Admin. Code tit. 40, § 746.5305**

**§ 746.5305. Where must I mount fire extinguishers?**

You must mount the fire extinguisher on the wall by a hanger or bracket. The top of the extinguisher must be no higher than five feet above the floor and the bottom at least four inches above the floor or any other surface. If the state or local fire marshal has different mounting instructions, you may follow those instructions. The fire extinguisher must be readily available for immediate use by employees and caregivers.

**40 TAC § 746.5307  
Tex. Admin. Code tit. 40, § 746.5307**

**§ 746.5307. How often must I inspect and service the fire extinguisher(s)?**

(a) The director or designee must inspect them monthly. The date of the inspection and the name of the employee must be recorded.

(b) Fire extinguishers must be serviced as required by manufacturer's instructions, or as required by the state or local fire marshal.

**40 TAC § 746.5309  
Tex. Admin. Code tit. 40, § 746.5309**

**§ 746.5309. How often must I inspect a sprinkler system?**

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The system monitoring company or the state or local fire marshal must test sprinkler systems at least annually. You must keep the most recent inspection report at the child-care center for review during hours of operation. The documentation must indicate the date of the inspection and the inspector's name and telephone number.

**40 TAC § 746.5311  
Tex. Admin. Code tit. 40, § 746.5311**

**§ 746.5311. Must my child-care center have a smoke-detection system?**

(a) Your child-care center must have a working smoke-detection system. This may be an electronic alarm and smoke-detection system, or individual electric or battery-operated smoke detectors located in each room used by children, or both.

(b) If your center is located in a public school operated by the local independent school district, the smoke detection system utilized by the school complies with this standard.

**40 TAC § 746.5313  
Tex. Admin. Code tit. 40, § 746.5313**

**§ 746.5313. Who must approve my child-care center's smoke-detection system?**

The state or local fire marshal must approve electronic alarm and smoke-detection systems. If an inspection is not available, you must have at least one working smoke detector in each room used by children.

**40 TAC § 746.5315  
Tex. Admin. Code tit. 40, § 746.5315**

**§ 746.5315. How often must I have an electronic smoke alarm system tested?**

The monitoring company or the state or local fire marshal must test an electronic smoke alarm system at least annually. You must keep documentation of the inspection at the child-care center for review during hours of operation. The documentation must indicate the date of the inspection and the inspector's name and telephone number.

**40 TAC § 746.5317  
Tex. Admin. Code tit. 40, § 746.5317**

**§ 746.5317. How must smoke detectors be installed at my child-care center?**

If you use smoke detectors, they must be installed and maintained according to the manufacturer's instructions or in compliance with the state or local fire marshal's instructions.

**40 TAC § 746.5319  
Tex. Admin. Code tit. 40, § 746.5319**

**§ 746.5319. How often must the smoke detectors at my child-care center be tested?**

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The director or designee must test all smoke detectors monthly. The date of the test and the name of the employee who does the testing must be documented and kept at the center for review during hours of operation.

**40 TAC § 746.5401  
Tex. Admin. Code tit. 40, § 746.5401**

**§ 746.5401. Must my child-care center be inspected for gas leaks?**

If your child-care center uses natural or liquid propane (LP) gas, your child-care center must be inspected for gas leaks before we issue your initial permit, and once every two years after your permit is issued, unless your child-care center is located in a public school building operated by the local independent school district.

**40 TAC § 746.5403  
Tex. Admin. Code tit. 40, § 746.5403**

**§ 746.5403. Who must conduct the inspection for gas leaks?**

(a) If your child-care center uses natural gas, you must have your child-care center inspected for gas leaks by a licensed plumber or a gas company official.

(b) If your child-care center uses liquid propane (LP)-gas, you must have your LP-gas system inspected for proper installation and leaks by a licensed LP-gas servicing company or licensed plumber who is also licensed with the LP-gas section of the Texas Railroad Commission.

**40 TAC § 746.5405  
Tex. Admin. Code tit. 40, § 746.5405**

**§ 746.5405. How do I document that a gas leak inspection has been completed?**

A written gas inspection report must show your gas system is free of leaks and must indicate the date of the inspection, as well as the name and telephone number of the inspector. You must keep the most recent inspection report on file at your child-care center.

**40 TAC § 746.5407  
Tex. Admin. Code tit. 40, § 746.5407**

**§ 746.5407. Must I make all corrections specified in the gas inspection report?**

Yes. You must comply with all corrections, conditions, or restrictions specified in the gas inspection report within the timeframes specified by the inspector.

**40 TAC § 746.5501  
Tex. Admin. Code tit. 40, § 746.5501**

**§ 746.5501. What steps must I take to ensure that heating devices do not present hazards to children?**

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(a) Gas appliances must have metal tubing and connections, be in good repair, and free from leaks.

(b) Open flame heaters (heaters where the flame can be easily touched or accessed) are prohibited.

(c) Space heaters must be enclosed and have the seal of approval of a United States test laboratory or be approved by the state or local fire marshal.

(d) You must safeguard floor and wall furnace grates, steam and hot water pipes, and electric space heaters so that children do not have access to them.

(e) Liquid fuel heaters are prohibited.

(f) Gas fuel heaters, fireplaces, and wood-burning stoves must be properly vented to the outside.

(g) If you use a fireplace, wood-burning stove, or space heater, you must install a screen or guard with sufficient strength to prevent children from falling into the fire or against the stove or heater.

**40 TAC § 746.5531**

**Tex. Admin. Code tit. 40, § 746.5531**

**§ 746.5531. Must my child-care center have a carbon monoxide detection system?**

Your child-care center must be equipped with a working carbon monoxide detection system, unless it is located in a school facility that complies:

(1) With the school facility standards adopted by the commissioner of education under the Education Code, § 46.008; or

(2) With standards adopted by the board of a local school district that are similar to those described in paragraph (1) of this section.

**40 TAC § 746.5533**

Current through 39 Tex.Reg. No. 5000, dated June 27, 2014, as effective on or before June 30, 2014

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Tex. Admin. Code tit. 40, § 746.5533

§ 746.5533. What type of carbon monoxide detection system must I install?

You must install:

(1) Individual electric (plug-in or hardwire) or battery-operated carbon monoxide detectors that meet Underwriters Laboratories Inc. requirements (UL-Listed); or

(2) An electronic carbon monoxide detection system connected to an electronic alarm/smoke detection system that is UL-Listed.

40 TAC § 746.5535

Tex. Admin. Code tit. 40, § 746.5535

§ 746.5535. How many carbon monoxide detectors must be installed in my child-care center and how must they be installed?

(a) If you use electric or battery-operated carbon monoxide detectors:

(1) At least one detector must be installed on every level of each building in the child-care operation; and

(2) The detector(s) must be installed in compliance with the state or local fire marshal's instructions.

(b) If you use an electronic carbon monoxide detection system connected to an alarm/smoke detection system, the system must be installed according to the state or local fire marshal's instructions.

40 TAC § 746.5537

Tex. Admin. Code tit. 40, § 746.5537

§ 746.5537. How often must I inspect and service the carbon monoxide detection system?

(a) If you use electric or battery-operated carbon monoxide detectors, you must:

(1) Install a new battery in each battery-operated detector at least annually;

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(2) Test all detectors monthly;

(3) Document the date of the test, date of installation of new batteries, and the name of the employee who does the testing and installment of new batteries; and

(4) Keep this documentation at the center for review during hours of operation.

(b) If you use an electronic carbon monoxide detection system connected to an alarm/smoke detection system, you must:

(1) Ensure the system monitoring company or the state or local fire marshal tests the system at least annually;

(2) Keep the most recent inspection report at the child-care center for review during hours of operation;

(3) Ensure the report includes the date of the inspection and the inspector's name and telephone number; and

(4) Make any corrections required in the report.

**40 TAC § 746.5601  
Tex. Admin. Code tit. 40, § 746.5601**

**§ 746.5601. What types of transportation does Licensing regulate?**

We regulate any transportation provided by or for the child-care center, including but not limited to, transportation between home and school, between school and the child-care center, the child-care center and home, the child-care center or school and field trip locations or other drop off locations, authorized by the parent.

**40 TAC § 746.5603  
Tex. Admin. Code tit. 40, § 746.5603**

**§ 746.5603. What type of vehicle may I use to transport children?**

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(a) We do not regulate the type of vehicle you use to transport children, although we recommend that you check with the Texas Department of Motor Vehicles or refer to the federal motor vehicle safety standards regulating transportation to and from school and your operation.

(b) For the purpose of this chapter, we categorize vehicle types as:

(1) General purpose vehicle--a passenger vehicles as defined in the Texas Transportation Code § 545.412, and buses that do not meet the federal motor vehicle safety standards for school buses or multi-function school activity buses (MFSAB);

(2) Small school bus--school buses and MFSABs that meet federal motor vehicle safety standards for school buses and MFSABs respectively and have a gross vehicle weight rating (GVWR) of 10,000 pounds or less; and

(3) Large school bus--school buses and MFSABs that meet federal motor vehicle safety standards for school buses and MFSABs respectively and have a GVWR of greater than 10,000 pounds.

(c) All vehicles must be maintained in safe operating condition at all times.

**40 TAC § 746.5605  
Tex. Admin. Code tit. 40, § 746.5605**

**§ 746.5605. What safety precautions must I take when loading and unloading children from the vehicle?**

You must take the following precautions when loading and unloading children from any vehicle, including any type of bus:

(1) You must load and unload children at the curbside of the vehicle or in a protected parking area or driveway.

(2) You must not allow a child to cross a street unless the child is accompanied by an adult anytime before entering or after leaving a vehicle.

(3) You must account for all children exiting the vehicle before leaving the vehicle unattended.

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(4) You must never leave a child unattended in a vehicle.

**40 TAC § 746.5607  
Tex. Admin. Code tit. 40, § 746.5607**

**§ 746.5607. What child safety restraint system must I use when I transport children?**

(a) You must secure each child in an infant safety seat, rear-facing convertible child safety seat, forward-facing child safety seat, child booster seat, safety vest, harness, or a safety belt, as appropriate to the child's age, height, and weight according to manufacturer's instructions for all vehicles specified in subsection (d) of this section, unless otherwise noted in this subchapter.

(b) All child passenger safety restraint systems must meet federal standards for crash-tested restraint systems as set by the National Highway Traffic Safety Administration, and must be properly secured in the vehicle according to manufacturer's instructions.

(c) A child 12 years old or younger must not ride in the front seat of a vehicle.

(d) The following safety restraint devices for a child must be used when the vehicle is on and during all times when the vehicle is in motion:



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Figure: 40 TAC §746.5607(d)

| If the child is...  | Being transported in this type of vehicle as specified in §746.5603(b) of this title (relating to What type of vehicle may I use to transport children?)... | Then the child must be secured in...  |
|---|---|---|
| (1) Younger than 12 months and weighs 20 pounds or less   | All vehicles  | An infant only rear-facing child safety seat or rear-facing convertible child safety seat according to manufacturer's instructions; |
| (2) Younger than 12 months and weighs more than 20 pounds   | All vehicles  | An infant only rear-facing child safety seat or rear-facing convertible child safety seat according to manufacturer's instructions; |
| (3) 12 months through three years of age and weighs more than 20 pounds   | All vehicles  | A rear-facing or forward-facing child safety seat, safety vest or harness according to the manufacturer's instructions;             |
| (4) Four years of age and weighs 40 pounds or less  | (A) General purpose vehicle and small school bus  | A forward-facing child safety seat, safety vest or harness according to the manufacturer's instructions;                            |
|   | (B) Large school bus  | A safety restraint system according to vehicle manufacturer's instruction;  |
| (5) Four years of age, weighs more than 40 pounds, and is less than four feet, nine inches in height; or Five years through seven years of age, regardless of weight, and is less than four feet, nine inches in height | (A) General purpose vehicle   | A forward-facing child safety seat, booster seat, safety vest or harness according to the manufacturer's instructions;              |
|   | (B) Small school bus  | A properly fitting safety belt anywhere the child sits in the vehicle;  |
|   | (C) Large school bus  | A safety restraint system according to vehicle manufacturer's instruction;  |

|  |  |   |
|--|--|---|
| (6) Four years through seven years of age and four feet, nine inches in height or taller | (A) General purpose vehicle                      | A booster seat according to the manufacturer's instructions or a properly fitting safety belt anywhere the child sits in the vehicle; |
|  | (B) Small school bus                             | A properly fitting safety belt anywhere the child sits in the vehicle;  |
|  | (C) Large school bus                             | A safety restraint system according to vehicle manufacturer's instruction;  |
| (7) Eight years through 14 years of age  | (A) General purpose vehicle and small school bus | A properly fitting safety belt anywhere the child sits in the vehicle;  |
|  | (B) Large school bus                             | A safety restraint system according to vehicle manufacturer's instruction.  |

40 TAC § 746.5609  
 Tex. Admin. Code tit. 40, § 746.5609

**Texas Administrative Code \_Title 40. Social Services and Assistance \_Part 19. Department of Family and Protective Services \_Chapter 746. Minimum Standards for Child-Care Centers \_Subchapter V. Swimming Pools and Wading/Splashing Pools**

**§ 746.5609. Must caregivers and/or the driver wear a safety belt?**

(a) The driver must be properly restrained by a safety belt before starting the vehicle and at all times the vehicle is in motion.

(b) All adult passengers in a vehicle transporting children, other than a large school bus, must be properly restrained by safety belts.

**40 TAC § 746.5611  
Tex. Admin. Code tit. 40, § 746.5611**

**§ 746.5611. May parents provide the safety seat equipment required for their child?**

Yes. Parents may provide the safety seat system for use in transporting their child, provided the equipment is appropriate and can be properly secured in the vehicle. You must use the equipment according to manufacturer's instructions.

**40 TAC § 746.5613  
Tex. Admin. Code tit. 40, § 746.5613**

**§ 746.5613. May I place more than one person in each safety belt?**

No. Only one person may use each safety belt.

**40 TAC § 746.5615  
Tex. Admin. Code tit. 40, § 746.5615**

**§ 746.5615. May a child ride in a safety belt with a shoulder harness?**

A child may ride in a safety belt with a shoulder harness if the shoulder harness goes across the child's chest and not across the child's face or neck. The lap belt should fit low across the child's thighs or top of the legs and not across the child's stomach area. Never put a shoulder belt under the child's arm or behind the child's back. If the lap belt and shoulder harness do not fit properly, a booster seat must be used.

**40 TAC § 746.5617  
Tex. Admin. Code tit. 40, § 746.5617**

**§ 746.5617. Must I carry specific equipment in vehicles used to transport children in my care?**

**Texas Administrative Code \_Title 40. Social Services and Assistance \_Part 19. Department of Family and Protective Services \_Chapter 746. Minimum Standards for Child-Care Centers \_Subchapter V. Swimming Pools and Wading/Splashing Pools**

(a) You must have the following in each vehicle you use to transport children:

(1) A list of the children being transported;

(2) Emergency medical transport and treatment authorization forms for each child being transported;

(3) The child-care center's name, child-care center director or permit holder's name, and child-care center telephone number in the glove compartment or clearly visible inside the passenger compartment, or the child-care center's name and telephone number must be clearly visible on the outside of the vehicle;

(4) Parent's names and telephone numbers and emergency telephone numbers for each child being transported;

(5) A fire extinguisher approved by the local or state fire marshal, secured in the passenger compartment and accessible to the adult occupants; and

(6) A first-aid kit as specified in § 746.4003 of this title (relating to What items must each first-aid kit contain?).

(b) The driver must have a current driver's license.

**40 TAC § 746.5619  
Tex. Admin. Code tit. 40, § 746.5619**

**§ 746.5619. Must I have a plan to handle transportation emergencies?**

Yes. You must ensure the driver/caregivers have clear instructions in handling emergency breakdowns and accidents, including vehicle evacuation procedures, supervision of the children, and contacting emergency help. The director or designee in charge of the child-care center must know what action to take in responding to a transportation emergency call.

**40 TAC § 746.5621  
Tex. Admin. Code tit. 40, § 746.5621**

**§ 746.5621. Must I have a communications device in the vehicle?**

**Texas Administrative Code \_Title 40. Social Services and Assistance \_Part 19. Department of Family and Protective Services \_Chapter 746. Minimum Standards for Child-Care Centers \_Subchapter V. Swimming Pools and Wading/Splashing Pools**

You must have one of the following:

(1) A communications device such as a cellular phone, message pager, or two-way radio; or

(2) A caregiver at the child-care center that knows the routine arrival and departure times of the vehicle and takes action if the vehicle does not return to the child-care center at a scheduled time. The driver must travel a known fixed route within an approximate timeframe.

**40 TAC § 746.5623  
Tex. Admin. Code tit. 40, § 746.5623**

**§ 746.5623. What is an electronic child safety alarm?**

An electronic child safety alarm is an alarm system installed in a vehicle. The alarm prompts the driver of a vehicle to inspect the vehicle to determine whether children are in the vehicle before the driver exits the vehicle.

**40 TAC § 746.5625  
Tex. Admin. Code tit. 40, § 746.5625**

**§ 746.5625. When and how must I install and use an electronic child safety alarm in a vehicle?**

(a) You must ensure that a vehicle purchased or leased on or after December 31, 2013, is equipped with an electronic child safety alarm if:

(1) The vehicle is designed to seat eight or more persons; and

(2) Your operation uses the vehicle to transport children in care.

(b) You are responsible for ensuring that the alarm is installed and maintained according to the manufacturer's instructions.

(c) The alarm must be used at all times whenever a vehicle describe in subsection (a) of this section is used to transport a child in care.

**40 TAC § 746.5627**

Texas Administrative Code \_Title 40. Social Services and Assistance \_Part 19. Department of Family and Protective Services \_Chapter 746. Minimum Standards for Child-Care Centers \_Subchapter V. Swimming Pools and Wading/Splashing Pools

Tex. Admin. Code tit. 40, § 746.5627

§ 746.5627. What documentation must I keep at the child-care center for each vehicle used to transport children in care?

You must keep documentation at your child-care center that shows when your center first purchased or leased a vehicle unless it:

(1) Is equipped with an electronic child safety alarm; or

(2) Is not designed to seat eight or more persons.