



January 29, 2018

HOUSE BILL No. 1165

DIGEST OF HB 1165 (Updated January 25, 2018 4:03 pm - DI 116)

Citations Affected: IC 5-2; IC 9-13; IC 9-19; IC 10-21; IC 20-27; IC 34-30.

Synopsis: School buses. Requires a governing body seeking to purchase a school bus or special purpose bus to request information concerning the cost of purchasing a school bus or special purpose bus equipped with 3-point lap and shoulder safety belts. Requires the governing body to hold a public hearing on the costs and benefits of purchasing a school bus or special purpose bus with 3-point lap and shoulder safety belts before voting on whether to purchase a school bus or special purpose bus equipped with 3-point lap and shoulder safety belts. Allows a school corporation to use a portion of a grant from the safe schools fund or the secured school fund toward purchase or equipping school buses and special purpose buses with safety equipment. Requires each occupant of a school bus or special purpose bus that has a 3-point lap and shoulder safety belt to have the 3-point lap and shoulder safety belt properly fastened about the occupant's body at all times when the bus is in motion. Provides for an exception to the laws concerning other types of passenger restraint systems. Makes an appropriation.

Effective: July 1, 2018.

Cook, Schaibley, Bartlett

January 8, 2018, read first time and referred to Committee on Education.
January 29, 2018, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

HB 1165—LS 6761/DI 125



January 29, 2018

Second Regular Session of the 120th General Assembly (2018)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1165

A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-2-10.1-2, AS AMENDED BY P.L.25-2016,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2018]: Sec. 2. (a) The Indiana safe schools fund is established
4 to do the following:
5 (1) Promote school safety through the:
6 (A) use of dogs trained to detect drugs and illegal substances;
7 and
8 (B) purchase of other equipment and materials used to
9 enhance the safety of schools.
10 (2) Combat truancy.
11 (3) Provide matching grants to schools for school safe haven
12 programs.
13 (4) Provide grants for school safety and safety plans.
14 (5) Provide educational outreach and training to school personnel
15 concerning:
16 (A) the identification of;
17 (B) the prevention of; and

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- 1 (C) intervention in;
 2 bullying.
 3 (6) Provide educational outreach to school personnel and training
 4 to school safety specialists and school resource officers
 5 concerning:
 6 (A) the identification of;
 7 (B) the prevention of; and
 8 (C) intervention in;
 9 criminal organization activities.
 10 (7) Provide grants for school wide programs to improve school
 11 climate and professional development and training for school
 12 personnel concerning:
 13 (A) alternatives to suspension and expulsion; and
 14 (B) evidence based practices that contribute to a positive
 15 school environment, including classroom management skills,
 16 positive behavioral intervention and support, restorative
 17 practices, and social emotional learning.
 18 **(8) Promote student safety through the purchase or equipping**
 19 **of school buses and special purpose buses with 3-point lap and**
 20 **shoulder safety belts or other safety equipment for buses that**
 21 **is proven to substantially improve school bus safety, as**
 22 **determined by the state school bus committee established by**
 23 **IC 20-27-3-1.**
 24 (b) The fund consists of amounts deposited:
 25 (1) under IC 33-37-9-4; and
 26 (2) from any other public or private source.
 27 (c) The institute shall determine grant recipients from the fund with
 28 a priority on awarding grants in the following order:
 29 (1) A grant for a safety plan.
 30 (2) A safe haven grant requested under section 10 of this chapter.
 31 (3) A safe haven grant requested under section 7 of this chapter.
 32 (d) Upon recommendation of the council, the institute shall establish
 33 a method for determining the maximum amount a grant recipient may
 34 receive under this section.
 35 SECTION 2. IC 5-2-10.1-6, AS AMENDED BY P.L.40-2014,
 36 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2018]: Sec. 6. (a) A school corporation, school corporation
 38 career and technical education school described in IC 20-37-1-1, or
 39 charter school (as defined in IC 20-24-1-4) may receive a grant from
 40 the fund for programs, equipment, services, or activities included in a
 41 safety plan submitted with the application for funds to the institute.
 42 (b) A safety plan submitted under this section must include



1 provisions for zero (0) tolerance for alcohol, tobacco, drugs, and
 2 weapons on school property, **and may include planned purchases or**
 3 **equipping of school buses and special purpose buses with 3-point**
 4 **lap and shoulder safety belts or, if recommended by the state**
 5 **school bus committee established by IC 20-27-3-1, other proven**
 6 **safety equipment.** If the institute approves the safety plan and
 7 application, the treasurer of state shall disburse from the fund to the
 8 applicant the amount of the grant certified to the treasurer of state by
 9 the institute.

10 SECTION 3. IC 9-13-2-161, AS AMENDED BY P.L.198-2016,
 11 SECTION 163, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2018]: Sec. 161. (a) "School bus" means, except
 13 as provided in ~~subsection~~ **subsections (b) and (c)**, a bus used to
 14 transport preschool, elementary, or secondary school children to and
 15 from:

- 16 (1) school;
- 17 (2) school athletic games or contests; or
- 18 (3) other school functions.

19 (b) "School bus", for purposes of IC 9-21, means a motor vehicle
 20 owned by a public or governmental agency and operated for the
 21 transportation of children to or from school, including project
 22 headstart, or privately owned and operated for compensation for the
 23 transportation of children to and from school, including project
 24 headstart.

25 (c) "School bus", for purposes of IC 9-19, means a:

- 26 (1) bus;
- 27 (2) hack;
- 28 (3) conveyance;
- 29 (4) commercial motor vehicle; or
- 30 (5) motor vehicle;

31 **used to transport elementary school (as defined in IC 20-18-2-4) or**
 32 **high school (as defined in IC 20-18-2-7) students, or students in any**
 33 **combination of grades included under IC 20-18-2-4 and**
 34 **IC 20-18-2-7, to and from school or to and from school athletic**
 35 **games or contests or other school functions. The term does not**
 36 **include a privately owned motor vehicle with a capacity of not**
 37 **more than five (5) passengers that is used for the purpose of**
 38 **transporting school children to and from school.**

39 SECTION 4. IC 9-13-2-170.7, AS ADDED BY P.L.107-2006,
 40 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2018]: Sec. 170.7. (a) "Special purpose bus" ~~has the meaning~~
 42 ~~set forth in IC 20-27-2-10.~~ **means, except as provided in subsection**



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- (b), a motor vehicle:**
 - (1) that is designed and constructed for the accommodation of more than ten (10) passengers;**
 - (2) that:**
 - (A) meets the federal school bus safety requirements under 49 U.S.C. 30125, except the:**
 - (i) stop signal arm required under federal motor vehicle safety standard (FMVSS) no. 131; and**
 - (ii) flashing lamps required under federal motor vehicle safety standard (FMVSS) no. 108;**
 - (B) when owned by a school corporation and used to transport students, complies with the Federal Motor Carrier Safety Regulations as prescribed by the United States Department of Transportation Federal Motor Carrier Safety Administration as set forth in 49 CFR Chapter III Subchapter B; or**
 - (C) when owned by a school corporation and used to transport students, is a motor coach type bus with a capacity of at least thirty (30) passengers and a gross vehicle weight rating greater than twenty-six thousand (26,000) pounds; and**
 - (3) that is used by a school corporation for transportation purposes appropriate under IC 20-27-9-5.**
- (b) "Special purpose bus", for purposes of IC 9-19, means a motor vehicle:**
 - (1) that is designed and constructed for the accommodation of more than ten (10) passengers;**
 - (2) that:**
 - (A) meets the federal school bus safety requirements under 49 U.S.C. 30125, except the:**
 - (i) stop signal arm required under federal motor vehicle safety standard (FMVSS) no. 131; and**
 - (ii) flashing lamps required under federal motor vehicle safety standard (FMVSS) no. 108;**
 - (B) when used to transport students, complies with the Federal Motor Carrier Safety Regulations as prescribed by the United States Department of Transportation Federal Motor Carrier Safety Administration as set forth in 49 CFR Chapter III Subchapter B; or**
 - (C) when used to transport students, is a motor coach type bus with a capacity of at least thirty (30) passengers and a gross vehicle weight rating greater than twenty-six**



- 1 **thousand (26,000) pounds; and**
 2 **(3) that is used for transportation purposes by:**
 3 **(A) a school corporation;**
 4 **(B) a charter school; or**
 5 **(C) a nonpublic school.**
 6 SECTION 5. IC 9-19-10-1, AS AMENDED BY P.L.198-2016,
 7 SECTION 334, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2018]: Sec. 1. This chapter does not apply to an
 9 occupant of a motor vehicle who meets any of the following conditions:
 10 (1) For medical reasons should not wear safety belts, provided the
 11 occupant has written documentation of the medical reasons from
 12 a physician.
 13 (2) Is a child required to be restrained by a child restraint system
 14 under IC 9-19-11 **or a 3-point lap and shoulder safety belt**
 15 **under IC 9-19-13.**
 16 (3) Is traveling in a commercial or a United States Postal Service
 17 vehicle that makes frequent stops for the purpose of pickup or
 18 delivery of goods or services.
 19 (4) Is a rural carrier of the United States Postal Service and is
 20 operating a vehicle while serving a rural postal route.
 21 (5) Is a newspaper motor route carrier or newspaper bundle hauler
 22 who stops to make deliveries from a vehicle.
 23 (6) Is a driver examiner designated and appointed by the bureau
 24 and is conducting an examination of an applicant for a permit or
 25 license under IC 9-24-10.
 26 (7) Is an occupant of a farm truck being used on a farm in
 27 connection with agricultural pursuits that are usual and normal to
 28 the farming operation.
 29 (8) Is an occupant of a motor vehicle participating in a parade.
 30 (9) Is an occupant of the living quarters area of a recreational
 31 vehicle.
 32 (10) Is an occupant of the treatment area of an ambulance (as
 33 defined in IC 16-18-2-13).
 34 (11) Is an occupant of the sleeping area of a tractor.
 35 (12) Is an occupant other than the operator of a vehicle described
 36 in IC 9-20-11-1(1).
 37 (13) Is an occupant other than the operator of a truck on a
 38 construction site.
 39 (14) Is a passenger other than the operator in a cab of a recovery
 40 vehicle who is being transported in the cab because the vehicle of
 41 the passenger is being towed by the recovery vehicle.
 42 (15) Is an occupant other than the operator of a motor vehicle



- 1 being used by a public utility in an emergency as set forth in
 2 IC 9-20-6-5.
- 3 SECTION 6. IC 9-19-11-1, AS AMENDED BY P.L.198-2016,
 4 SECTION 335, IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2018]: Sec. 1. This chapter does not apply to a
 6 person who operates any of the following vehicles:
- 7 (1) A bus **or a special purpose bus.**
 - 8 (2) A taxicab.
 - 9 (3) A medical services vehicle.
 - 10 (4) A passenger motor vehicle or truck that was manufactured
 11 without a safety belt as a part of the standard equipment installed
 12 by the manufacturer at each designated seating position, before
 13 the requirement of the installation of safety belts in the motor
 14 vehicle according to the standards stated in the Federal Motor
 15 Vehicle Safety Standard Number 208 (49 CFR 571.208).
 - 16 (5) A motorcycle.
 - 17 (6) A motor driven cycle.
 - 18 (7) A motor vehicle that is owned or leased by a governmental
 19 unit and is being used in the performance of official law
 20 enforcement duties.
 - 21 (8) A motor vehicle that is being used in an emergency.
 - 22 (9) A motor vehicle that is funeral equipment used in the
 23 operation of funeral services when used in:
 - 24 (A) a funeral procession;
 - 25 (B) the return trip to a funeral home (as defined in
 26 IC 25-15-2-15); or
 - 27 (C) both the funeral procession and return trip.
 - 28 (10) A motor vehicle used to provide prearranged rides (as
 29 defined in IC 8-2.1-17-13.5).
- 30 SECTION 7. IC 9-19-13-5.5 IS ADDED TO THE INDIANA CODE
 31 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 32 1, 2018]: **Sec. 5.5. (a) An occupant of a school bus or special
 33 purpose bus that has a 3-point lap and shoulder safety belt
 34 installed at each seating location shall have the 3-point lap and
 35 shoulder safety belt properly fastened about the occupant's body
 36 at all times when the bus is in motion.**
- 37 **(b) A:**
- 38 (1) person operating a school bus or special purpose bus; and
 - 39 (2) school corporation, public school, charter school, or
 40 nonpublic school;
- 41 **are immune from civil or criminal liability for the failure of an
 42 occupant of a school bus or special purpose bus to properly fasten**



1 **a 3-point lap and shoulder safety belt as required under subsection**
 2 **(a).**

3 SECTION 8. IC 10-21-1-2, AS ADDED BY P.L.172-2013,
 4 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2018]: Sec. 2. (a) The Indiana secured school fund is
 6 established to provide matching grants to enable school corporations
 7 and charter schools to establish programs under which a school
 8 corporation or charter school (or a coalition of schools) may:

9 (1) employ a school resource officer or enter into a contract or a
 10 memorandum of understanding with a:

- 11 (A) local law enforcement agency;
 12 (B) private entity; or
 13 (C) nonprofit corporation;

14 to employ a school resource officer;

15 (2) conduct a threat assessment of the buildings within a school
 16 corporation or operated by a charter school; ~~or~~

17 (3) purchase equipment and technology to:

- 18 (A) restrict access to school property; or
 19 (B) expedite notification of first responders; **or**

20 **(4) purchase or equip school buses and special purpose buses**
 21 **with 3-point lap and shoulder safety belts or other safety**
 22 **equipment for buses that is proven to substantially improve**
 23 **school bus safety, as determined by the state school bus**
 24 **committee established by IC 20-27-3-1.**

25 (b) The fund shall be administered by the department of homeland
 26 security.

27 (c) The fund consists of:

- 28 (1) appropriations from the general assembly;
 29 (2) grants from the Indiana safe schools fund established by
 30 IC 5-2-10.1-2;
 31 (3) federal grants; and
 32 (4) amounts deposited from any other public or private source.

33 (d) The expenses of administering the fund shall be paid from
 34 money in the fund.

35 (e) The treasurer of state shall invest the money in the fund not
 36 currently needed to meet the obligations of the fund in the same
 37 manner as other public money may be invested. Interest that accrues
 38 from these investments shall be deposited in the fund.

39 (f) Money in the fund at the end of a state fiscal year does not revert
 40 to the state general fund.

41 SECTION 9. IC 10-21-1-4, AS AMENDED BY P.L.30-2014,
 42 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2018]: Sec. 4. (a) The board may award a matching grant to
 2 enable a school corporation or charter school (or a coalition of schools
 3 applying jointly) to establish a program to employ a school resource
 4 officer, provide school resource officer training described in
 5 IC 20-26-18.2-1(b)(2), conduct a threat assessment, ~~or~~ purchase
 6 equipment to restrict access to the school or expedite the notification
 7 of first responders, **or purchase or equip school buses and special**
 8 **purpose buses with 3-point lap and shoulder safety belts or other**
 9 **safety equipment for buses that is proven to substantially improve**
 10 **school bus safety, as determined by the state school bus committee**
 11 **established by IC 20-27-3-1**, in accordance with section 2(a) of this
 12 chapter.

13 (b) A matching grant awarded to a school corporation or charter
 14 school (or a coalition of schools applying jointly) may not exceed the
 15 lesser of the following during a two (2) year period beginning on or
 16 after May 1, 2013:

17 (1) The total cost of the program established by the school
 18 corporation or charter school (or the coalition of schools applying
 19 jointly).

20 (2) The following amounts:

21 (A) Fifty thousand dollars (\$50,000) per year, in the case of a
 22 school corporation or charter school that:

23 (i) has an ADM of at least one thousand (1,000); and

24 (ii) is not applying jointly with any other school corporation
 25 or charter school.

26 (B) Thirty-five thousand dollars (\$35,000) per year, in the case
 27 of a school corporation or charter school that:

28 (i) has an ADM of less than one thousand (1,000); and

29 (ii) is not applying jointly with any other school corporation
 30 or charter school.

31 (C) Fifty thousand dollars (\$50,000) per year, in the case of a
 32 coalition of schools applying jointly.

33 (c) A school corporation or charter school may receive only one (1)
 34 matching grant under this section each year.

35 (d) The board may not award a grant to a school corporation or
 36 charter school under this chapter unless the school corporation or
 37 charter school is in a county that has a county school safety
 38 commission, as described in IC 5-2-10.1-10.

39 SECTION 10. IC 20-27-4-10 IS ADDED TO THE INDIANA
 40 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2018]: **Sec. 10. (a) This section applies to the**
 42 **purchase of a new school bus or new special purpose bus by a**



1 school corporation, including a charter school, after June 30, 2018.

2 (b) Whenever a school corporation, including a charter school,
3 seeks to purchase a school bus or special purpose bus, the
4 governing body must request information concerning the cost of
5 purchasing a school bus or special purpose bus equipped with
6 3-point lap and shoulder safety belts at each seating location.

7 (c) After receiving the information under subsection (b), the
8 governing body shall hold a public meeting at which public
9 testimony must be allowed to discuss the costs and benefits of
10 purchasing a new school bus or special purpose bus with 3-point
11 lap and shoulder safety belts. After holding a public meeting under
12 this subsection, the governing body shall decide by majority vote
13 whether to purchase a school bus or special purpose bus that is
14 equipped with 3-point lap and shoulder safety belts.

15 (d) If a governing body decides to purchase a school bus or
16 special purpose bus that is equipped with 3-point lap and shoulder
17 safety belts, the governing body may apply for a grant under
18 IC 5-2-10.1-6 or IC 10-21-1-4 to offset the additional cost of
19 purchasing a school bus or special purpose bus equipped with
20 3-point lap and shoulder safety belts.

21 SECTION 11. IC 34-30-2-28.3 IS ADDED TO THE INDIANA
22 CODE AS A NEW SECTION TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2018]: **Sec. 28.3. IC 9-19-13-5.5 (Concerning**
24 **failure of an occupant on a school bus or special purpose bus to**
25 **properly fasten a safety belt).**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1165, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 8, delete lines 39 through 42.

Page 9, delete lines 1 through 35.

Page 10, line 15, delete "IC 5-2-10.1-6, IC 10-21-1-4, or IC 20-20-45" and insert "**IC 5-2-10.1-6 or IC 10-21-1-4**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1165 as introduced.)

BEHNING

Committee Vote: yeas 9, nays 0.

