

HOUSE BILL No. 1186

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2; IC 9-19; IC 20-20-42; IC 20-27.

Synopsis: Lap and shoulder safety belts on school buses. Provides that a school bus or special purpose bus placed into operation after June 30, 2017, that is used to transport elementary school or high school students must be equipped with a 3-point lap and shoulder safety belt (safety belt) at each seating location. Requires the state school bus committee to adopt rules for the design, installation, and use of safety belt systems that must be installed in school buses and special purpose buses. Provides for an exception to the laws concerning other types of passenger restraint systems. Requires each occupant of a school bus or special purpose bus that has a safety belt to have the safety belt properly fastened about the occupant's body at all times when the bus is in motion. Establishes the safety belt revolving loan fund (fund). Requires the department of education to establish a revolving loan program to provide loans from the fund to school corporations to assist school corporations in paying expenses necessary to comply with requirements concerning safety belts on school buses and special purpose buses. Appropriates \$10,000,000 to the fund from the state general fund. Makes conforming amendments.

Effective: July 1, 2016.

Bartlett, Smith M

January 7, 2016, read first time and referred to Committee on Education.



Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1186

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 9-13-2-112.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2016]: **Sec. 112.5. "Nonpublic school" has the**
4 **meaning set forth in IC 20-18-2-12.**

5 SECTION 2. IC 9-13-2-161, AS AMENDED BY P.L.146-2009,
6 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2016]: Sec. 161. (a) "School bus" means, except as provided
8 in subsections (b), ~~and~~ (c), **and (d)**, a:

- 9 (1) bus;
- 10 (2) hack;
- 11 (3) conveyance;
- 12 (4) commercial motor vehicle; or
- 13 (5) motor vehicle;
- 14 used to transport preschool, elementary, or secondary school children
- 15 to and from school and to and from school athletic games or contests
- 16 or other school functions. The term does not include a privately owned
- 17 automobile with a capacity of not more than five (5) passengers that is



1 used for the purpose of transporting school children to and from school.

2 (b) "School bus", for purposes of IC 9-21, means a motor vehicle
3 owned by a public or governmental agency and operated for the
4 transportation of children to or from school, including project
5 headstart, or privately owned and operated for compensation for the
6 transportation of children to and from school, including project
7 headstart.

8 (c) "School bus", for purposes of IC 9-19-11-1(1), means a motor
9 vehicle:

10 (1) that meets the federal school bus safety requirements under 49
11 U.S.C. 30125; or

12 (2) that meets the federal school bus safety requirements under 49
13 U.S.C. 30125 except the:

14 (A) stop signal arm required under federal motor vehicle
15 safety standard (FMVSS) no. 131; and

16 (B) flashing lamps required under federal motor vehicle safety
17 standard (FMVSS) no. 108.

18 **(d) "School bus", for purposes of IC 9-19, except as provided in**
19 **subsection (c), means a:**

20 **(1) bus;**

21 **(2) hack;**

22 **(3) conveyance;**

23 **(4) commercial motor vehicle; or**

24 **(5) motor vehicle;**

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

33 SECTION 3. IC 9-13-2-170.7, AS ADDED BY P.L.107-2006,
34 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2016]: Sec. 170.7. **(a) "Special purpose bus" has the meaning**
36 **set forth in IC 20-27-2-10; means, except as provided in subsection**
37 **(b), a motor vehicle:**

38 **(1) that is designed and constructed for the accommodation of**
39 **more than ten (10) passengers;**

40 **(2) that:**

41 **(A) meets the federal school bus safety requirements under**
42 **49 U.S.C. 30125 except the:**



- 1 (i) stop signal arm required under federal motor vehicle
 2 safety standard (FMVSS) no. 131; and
 3 (ii) flashing lamps required under federal motor vehicle
 4 safety standard (FMVSS) no. 108;
 5 (B) when owned by a school corporation and used to
 6 transport students, complies with the Federal Motor
 7 Carrier Safety Regulations as prescribed by the United
 8 States Department of Transportation Federal Motor
 9 Carrier Safety Administration as set forth in 49 CFR
 10 Chapter III Subchapter B; or
 11 (C) when owned by a school corporation and used to
 12 transport students, is a motor coach type bus with a
 13 capacity of at least thirty (30) passengers and a gross
 14 vehicle weight rating greater than twenty-six thousand
 15 (26,000) pounds; and
 16 (3) that is used by a school corporation for transportation
 17 purposes appropriate under IC 20-27-9-5.
 18 (b) "Special purpose bus", for purposes of IC 9-19, means a
 19 motor vehicle:
 20 (1) that is designed and constructed for the accommodation of
 21 more than ten (10) passengers;
 22 (2) that:
 23 (A) meets the federal school bus safety requirements under
 24 49 U.S.C. 30125 except the:
 25 (i) stop signal arm required under federal motor vehicle
 26 safety standard (FMVSS) no. 131; and
 27 (ii) flashing lamps required under federal motor vehicle
 28 safety standard (FMVSS) no. 108;
 29 (B) when used to transport students, complies with the
 30 Federal Motor Carrier Safety Regulations as prescribed by
 31 the United States Department of Transportation Federal
 32 Motor Carrier Safety Administration as set forth in 49
 33 CFR Chapter III Subchapter B; or
 34 (C) when used to transport students, is a motor coach type
 35 bus with a capacity of at least thirty (30) passengers and a
 36 gross vehicle weight rating greater than twenty-six
 37 thousand (26,000) pounds; and
 38 (3) that is used by a school corporation or a nonpublic school
 39 for transportation purposes.

40 SECTION 4. IC 9-19-10-1, AS AMENDED BY P.L.216-2014,
 41 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2016]: Sec. 1. This chapter does not apply to an occupant of



1 a motor vehicle who meets any of the following conditions:

2 (1) For medical reasons should not wear safety belts, provided the
3 occupant has written documentation of the medical reasons from
4 a physician.

5 (2) Is a child required to be restrained by a child restraint system
6 under IC 9-19-11 **or a lap and shoulder safety belt under**
7 **IC 9-19-13.**

8 (3) Is traveling in a commercial or a United States Postal Service
9 vehicle that makes frequent stops for the purpose of pickup or
10 delivery of goods or services.

11 (4) Is a rural carrier of the United States Postal Service and is
12 operating a vehicle while serving a rural postal route.

13 (5) Is a newspaper motor route carrier or newspaper bundle hauler
14 who stops to make deliveries from a vehicle.

15 (6) Is a driver examiner designated and appointed under
16 IC 9-14-2-3 and is conducting an examination of an applicant for
17 a permit or license under IC 9-24-10.

18 (7) Is an occupant of a farm truck being used on a farm in
19 connection with agricultural pursuits that are usual and normal to
20 the farming operation, as set forth in ~~IC 9-21-21-1.~~
21 **IC 9-29-5-13(b).**

22 (8) Is an occupant of a motor vehicle participating in a parade.

23 (9) Is an occupant of the living quarters area of a recreational
24 vehicle.

25 (10) Is an occupant of the treatment area of an ambulance (as
26 defined in IC 16-18-2-13).

27 (11) Is an occupant of the sleeping area of a tractor.

28 (12) Is an occupant other than the operator of a vehicle described
29 in IC 9-20-11-1(1).

30 (13) Is an occupant other than the operator of a truck on a
31 construction site.

32 (14) Is a passenger other than the operator in a cab of a Class A
33 recovery vehicle or a Class B recovery vehicle who is being
34 transported in the cab because the motor vehicle of the passenger
35 is being towed by the recovery vehicle.

36 (15) Is an occupant other than the operator of a motor vehicle
37 being used by a public utility in an emergency as set forth in
38 IC 9-20-6-5.

39 SECTION 5. IC 9-19-11-1, AS AMENDED BY P.L.175-2015,
40 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2016]: Sec. 1. This chapter does not apply to a person who
42 operates any of the following vehicles:



- 1 (1) A school bus **or a special purpose bus.**
 2 (2) A taxicab.
 3 (3) An ambulance.
 4 (4) A public passenger bus.
 5 (5) A motor vehicle having a seating capacity greater than nine
 6 (9) individuals that is owned or leased and operated by a religious
 7 or not-for-profit youth organization.
 8 (6) An antique motor vehicle.
 9 (7) A motorcycle.
 10 (8) A motor vehicle that is owned or leased by a governmental
 11 unit and is being used in the performance of official law
 12 enforcement duties.
 13 (9) A motor vehicle that is being used in an emergency.
 14 (10) A motor vehicle that is funeral equipment used in the
 15 operation of funeral services when used in:
 16 (A) a funeral procession;
 17 (B) the return trip to a funeral home (as defined in
 18 IC 25-15-2-15); or
 19 (C) both the funeral procession and return trip.
 20 (11) A motor vehicle used to provide prearranged rides (as
 21 defined in IC 8-2.1-17-13.5).

22 SECTION 6. IC 9-19-13-3.5 IS ADDED TO THE INDIANA CODE
 23 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
 24 **1, 2016]: Sec. 3.5. (a) A school bus or special purpose bus placed**
 25 **into operation after June 30, 2017, that is used to transport**
 26 **elementary school (as defined in IC 20-18-2-4) or high school (as**
 27 **defined in IC 20-18-2-7) students, or students in any combination**
 28 **of grades included under IC 20-18-2-4 and IC 20-18-2-7, must be**
 29 **equipped with a 3-point lap and shoulder safety belt at each seating**
 30 **location. The safety belt installation and safety belt and anchor**
 31 **must meet the specifications of the Society of Automotive**
 32 **Engineers.**

33 **(b) A school corporation or a nonpublic school that suffers,**
 34 **authorizes, or permits a violation of subsection (a) commits a Class**
 35 **C infraction.**

36 SECTION 7. IC 9-19-13-5.5 IS ADDED TO THE INDIANA CODE
 37 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
 38 **1, 2016]: Sec. 5.5. (a) Each occupant of a school bus or special**
 39 **purpose bus that has a 3-point lap and shoulder safety belt**
 40 **installed at each seating location in accordance with section 3.5 of**
 41 **this chapter shall have the lap and shoulder safety belt properly**
 42 **fastened about the occupant's body at all times when the bus is in**



1 motion.

2 (b) A school corporation, nonpublic school, or owner of a school
3 bus or special purpose bus, including a school bus or special
4 purpose bus operated under a fleet or transportation contract, that
5 suffers, authorizes, or permits a violation of subsection (a) commits
6 a Class C infraction.

7 SECTION 8. IC 20-20-42 IS ADDED TO THE INDIANA CODE
8 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2016]:

10 **Chapter 42. Safety Belt Revolving Loan Fund**

11 **Sec. 1.** As used in this chapter, "fund" refers to the safety belt
12 revolving loan fund established by section 2 of this chapter.

13 **Sec. 2. (a)** The safety belt revolving loan fund is established for
14 the purposes of this chapter. The department shall administer the
15 fund.

16 (b) The department shall pay the expenses of administering the
17 fund.

18 (c) The treasurer of state shall invest the money in the fund not
19 currently needed to meet the obligations of the fund in the same
20 manner as other public funds may be invested. Interest that
21 accrues from these investments shall be deposited in the fund.

22 (d) Money in the fund at the end of a state fiscal year does not
23 revert to the state general fund.

24 (e) Money in the fund is continuously appropriated for the
25 purposes of this chapter.

26 **Sec. 3. (a)** The department shall establish a revolving loan
27 program to provide loans from the fund to school corporations to
28 assist school corporations in paying expenses necessary to comply
29 with the requirements under IC 9-19-13-3.5 concerning safety belts
30 on school buses and special purpose buses.

31 (b) The department shall establish the following:

32 (1) Standards of eligibility.

33 (2) The maximum amount of a loan that may be awarded to
34 a school corporation.

35 (3) Application procedures.

36 (4) Any local matching funds that are required.

37 (5) The interest rate, duration, repayment schedule, and other
38 terms and conditions of a loan.

39 (6) Any other provisions necessary to administer the loan
40 program.

41 (c) The department shall deposit repayments of principal and
42 interest on loans in the fund to increase the amount that is



1 available for new loans.

2 **Sec. 4. A school corporation may use any source of revenue to**
 3 **repay a loan under this chapter, including money in the school**
 4 **corporation's school bus replacement fund, transportation fund, or**
 5 **capital projects fund.**

6 **Sec. 5. If a school corporation fails to make any repayments of**
 7 **a loan from the fund, the auditor of state shall withhold the**
 8 **repayment amount from any other money payable by the state to**
 9 **the school corporation. The amount withheld shall be transferred**
 10 **to the fund to the credit of the school corporation.**

11 SECTION 9. IC 20-27-3-4, AS AMENDED BY P.L.107-2006,
 12 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2016]: Sec. 4. (a) The committee has the following powers:

14 (1) The committee may adopt rules under IC 4-22-2 establishing
 15 standards for the construction of school buses and special purpose
 16 buses, including minimum standards for the construction of
 17 school buses and special purpose buses necessary to be issued a:

18 (A) valid certificate of inspection decal; and

19 (B) temporary certificate of inspection decal described in
 20 IC 20-27-7-10.

21 (2) The committee may adopt rules under IC 4-22-2 establishing
 22 standards for the equipment of school buses and special purpose
 23 buses, including minimum standards for the equipment of school
 24 buses and special purpose buses necessary to be issued a:

25 (A) valid certificate of inspection decal; and

26 (B) temporary certificate of inspection decal described in
 27 IC 20-27-7-10.

28 (3) The committee may adopt rules under IC 4-22-2 specifying
 29 the minimum standards that must be met to avoid the issuance of
 30 an out-of-service certificate of inspection decal.

31 (4) The committee may provide for the inspection of all school
 32 buses and special purpose buses, new or old, that are offered for
 33 sale, lease, or contract.

34 (5) The committee may provide for the annual inspection of all
 35 school buses and special purpose buses and the issuance of
 36 certificate of inspection decals.

37 (6) The committee may maintain an approved list of school buses
 38 and special purpose buses that have passed inspection tests under
 39 subdivision (4) or (5).

40 (7) The committee may, subject to approval by the state board of
 41 accounts, prescribe standard forms for school bus driver contracts.

42 (8) The committee may hear appeals brought under



1 IC 20-27-7-15.

2 **(9) The committee shall adopt rules under IC 4-22-2 for the**
 3 **design, installation, and use of 3-point lap and shoulder safety**
 4 **belt systems that must be installed in all school buses and**
 5 **special purpose buses that are first placed into operation by**
 6 **a school corporation or a nonpublic school after June 30,**
 7 **2017, in accordance with IC 9-19-13-3.5.**

8 (b) The committee shall adopt rules under IC 4-22-2 to set
 9 performance standards and measurements for determining the physical
 10 ability necessary for an individual to be a school bus driver.

11 (c) The certificate of inspection decals shall be issued to correspond
 12 with each school year. Each certificate of inspection decal expires on
 13 September 30 following the school year in which the certificate of
 14 inspection decal is effective. However, for buses that are described in
 15 IC 20-27-7-7, the certificate of inspection decal expires on a date that
 16 is not later than seven (7) months after the date of the first inspection
 17 for the particular school year.

18 SECTION 10. IC 20-27-7-8, AS ADDED BY P.L.1-2005,
 19 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2016]: Sec. 8. The inspection of a special purpose bus shall
 21 consist of an inspection to determine the existence and condition of the
 22 vehicle's:

- 23 (1) brakes;
 24 (2) lights (headlamps, tail lamps, brake lights, clearance lights,
 25 and turn signals);
 26 (3) steering and suspension;
 27 (4) exhaust systems;
 28 (5) general body condition; ~~and~~
 29 (6) tires; ~~and~~
 30 **(7) 3-point lap and shoulder safety belt systems, for a special**
 31 **purpose bus placed into operation by a school corporation or**
 32 **a nonpublic school after June 30, 2017.**

33 SECTION 11. [EFFECTIVE JULY 1, 2016] (a) **There is**
 34 **appropriated to the safety belt revolving loan fund established by**
 35 **IC 20-20-42-2, as added by this act, ten million dollars**
 36 **(\$10,000,000) for the period beginning July 1, 2017, and ending**
 37 **June 30, 2019, from the state general fund to carry out the**
 38 **purposes of the safety belt revolving loan fund.**

39 (b) **This SECTION expires July 1, 2019.**

