

HOUSE BILL No. 1256

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-19-13-1; IC 9-21; IC 20-27; IC 33-37-4-2.

Synopsis: Camera enforcement of school bus arm signal violations. Provides that a school corporation or a nonpublic school may install cameras on school buses to enforce arm signal device traffic violations (camera enforcement). Allows a school corporation to pay for costs associated with camera enforcement from the school corporation's school transportation fund. Imposes civil penalties for arm signal device violations detected by camera enforcement.

Effective: July 1, 2017.

Smith M

January 10, 2017, read first time and referred to Committee on Roads and Transportation.



First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1256

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

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

1 SECTION 1. IC 9-19-13-1, AS AMENDED BY P.L.1-2005,
 2 SECTION 101, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2017]: Sec. 1. The state school bus committee
 4 established by IC 20-27-3-1 shall adopt and enforce rules under
 5 IC 4-22-2 not inconsistent with this chapter **or IC 9-21-22** to govern
 6 the design and operation of all school buses used for the transportation
 7 of school children when owned and operated by a school corporation
 8 or privately owned and operated under contract with an Indiana school
 9 corporation. The rules must by reference be made a part of such a
 10 contract with a school corporation. Each school corporation, officer and
 11 employee of the school corporation, and person employed under
 12 contract by a school district is subject to those rules.

13 SECTION 2. IC 9-21-8-52, AS AMENDED BY P.L.198-2016,
 14 SECTION 364, IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2017]: Sec. 52. (a) A person who operates a
 16 vehicle and who recklessly:

17 (1) drives at such an unreasonably high rate of speed or at such an



1 unreasonably low rate of speed under the circumstances as to:

2 (A) endanger the safety or the property of others; or

3 (B) block the proper flow of traffic;

4 (2) passes another vehicle from the rear while on a slope or on a
5 curve where vision is obstructed for a distance of less than five
6 hundred (500) feet ahead;

7 (3) drives in and out of a line of traffic, except as otherwise
8 permitted; or

9 (4) speeds up or refuses to give one-half (1/2) of the roadway to
10 a driver overtaking and desiring to pass;

11 commits a Class C misdemeanor. However, the offense is a Class A
12 misdemeanor if it causes bodily injury to a person.

13 (b) A person who operates a vehicle and who recklessly passes a
14 school bus stopped on a roadway when the arm signal device specified
15 in IC 9-21-12-13 is in the device's extended position commits a Class
16 B misdemeanor. However, the offense is a Class A misdemeanor if it
17 causes bodily injury to a person. **A recorded image (as defined in
18 IC 9-21-22-3) may be used as evidence in a criminal proceeding
19 under this subsection.**

20 (c) If an offense under subsection (a) or (b) results in damage to the
21 property of another person, it is a Class B misdemeanor and the court
22 may recommend the suspension of the current driving license of the
23 person convicted of the offense described in this subsection for a fixed
24 period of not more than one (1) year.

25 (d) If an offense under subsection (a) or (b) causes bodily injury to
26 a person, the court may recommend the suspension of the driving
27 privileges of the person convicted of the offense described in this
28 subsection for a fixed period of not more than one (1) year.

29 SECTION 3. IC 9-21-12-1, AS AMENDED BY P.L.217-2014,
30 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2017]: Sec. 1. (a) A person who drives a vehicle that:

32 (1) meets or overtakes from any direction a school bus stopped on
33 a roadway and is not stopped before reaching the school bus when
34 the arm signal device specified in IC 9-21-12-13 is in the device's
35 extended position; or

36 (2) proceeds before the arm signal device is no longer extended;
37 commits a Class A infraction.

38 (b) This section is applicable only if the school bus is in substantial
39 compliance with the markings required by the state school bus
40 committee.

41 (c) There is a rebuttable presumption that the owner of the vehicle
42 involved in the violation of this section committed the violation. This



1 presumption does not apply to the owner of a vehicle involved in the
 2 violation of this section if the owner routinely engages in the business
 3 of renting the vehicle for periods of thirty (30) days or less.

4 **(d) A violation of subsection (a) may be enforced by camera
 5 enforcement under IC 9-21-22.**

6 SECTION 4. IC 9-21-22 IS ADDED TO THE INDIANA CODE AS
 7 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 8 1, 2017]:

9 **Chapter 22. Camera Enforcement of Traffic Violations**

10 **Sec. 1. As used in this chapter, "camera enforcement" means
 11 the enforcement of a traffic violation under section 6 of this
 12 chapter.**

13 **Sec. 2. As used in this chapter, "nonpublic school" has the
 14 meaning set forth in IC 20-18-2-12.**

15 **Sec. 3. As used in this chapter, "recorded image" means a
 16 digital image that:**

- 17 (1) is recorded by a camera that is mounted on a school bus;
- 18 and
- 19 (2) shows the date and time the image was recorded.

20 **Sec. 4. As used in this chapter, "school corporation" has the
 21 meaning set forth in IC 20-18-2-16(a).**

22 **Sec. 5. As used in this chapter, "traffic violation" refers to a
 23 violation of IC 9-21-8-52 or IC 9-21-12-1.**

24 **Sec. 6. (a) The following may enter into an enforcement
 25 agreement with a contractor to install cameras on school buses to
 26 use recorded images to enforce traffic violations:**

- 27 (1) A school corporation.
- 28 (2) A nonpublic school.

29 **(b) A school corporation may pay for costs associated with
 30 camera enforcement from the school corporation's school
 31 transportation fund established under IC 20-40-6-4.**

32 **Sec. 7. An enforcement agreement under section 6 of this
 33 chapter must include the following:**

- 34 (1) The names and addresses of all law enforcement agencies:
 - 35 (A) that are authorized to enforce traffic violations; and
 - 36 (B) to which recorded images will be provided for
 37 enforcement or evidentiary purposes.
- 38 (2) All traffic violations:
 - 39 (A) that may be enforced through camera enforcement;
 - 40 and
 - 41 (B) for which a recorded image may be used for
 42 evidentiary purposes.



1 (3) A requirement that a complaint and summons for a traffic
2 violation may not be issued to the owner of a vehicle, unless
3 the issuing law enforcement agency possesses a written report
4 from the operator of the school bus that was passed by the
5 vehicle and that was the subject of the complaint and
6 summons. The written report must:

7 (A) document the alleged violating incident; and

8 (B) have been made contemporaneously with the
9 employment shift of the operator of the school bus when
10 the incident occurred.

11 (4) A requirement that the camera may not activate until the
12 school bus's arm signal device specified in IC 9-21-12-13 has
13 been deployed.

14 (5) A requirement that each recorded image must contain
15 electronic verification that the school bus's arm signal device
16 specified in IC 9-21-12-13 was in the device's extended
17 position when the image was recorded.

18 (6) A requirement that a law enforcement agency described in
19 subdivision (1) shall send to the owner of a vehicle that is the
20 subject of a recorded image the following:

21 (A) A complaint and summons for the alleged traffic
22 violation on a form that complies with IC 9-30-3-6.

23 (B) A recorded image showing the vehicle at the time of the
24 alleged traffic violation.

25 (C) A verified statement by a law enforcement officer
26 authorized to enforce this section stating that:

27 (i) based upon inspection of recorded images, the
28 operator of the vehicle committed a traffic violation; and

29 (ii) the traffic violation was not otherwise authorized by
30 law.

31 (D) Information regarding how the owner of the vehicle
32 that is the subject of the recorded image may provide the
33 name and address of the individual alleged to have been
34 operating the vehicle at the time of the traffic violation, if
35 the owner was not the operator.

36 (E) Any other information usually transmitted to
37 individuals alleged to have committed a traffic violation.

38 All documents and other information required under this
39 subdivision must be sent by regular mail addressed to the
40 owner of the vehicle and postmarked not later than ten (10)
41 days after the date of the alleged traffic violation.

42 (7) A regular inspection schedule for all hardware, including



1 cameras, installed on a school bus for purposes of camera
2 enforcement.

3 (8) A requirement that the school corporation or nonpublic
4 school enter into a written agreement with each law
5 enforcement agency described in subdivision (1) concerning
6 the distribution of civil penalties collected under this chapter.

7 (9) Any other provisions that the school corporation or
8 nonpublic school considers necessary.

9 **Sec. 8.** There is a rebuttable presumption that the owner of a
10 vehicle that is the subject of a recorded image was operating the
11 vehicle when the image was recorded. The presumption does not
12 apply to the owner of a vehicle that is the subject of a recorded
13 image if the owner routinely engages in the business of renting the
14 vehicle for periods of thirty (30) days or less.

15 **Sec. 9.** The bureau may not assess points under the point system
16 for a traffic violation that is enforced through camera
17 enforcement.

18 **Sec. 10. (a)** An individual against whom a judgment is entered
19 for committing a traffic violation that was detected and enforced
20 through camera enforcement is liable for a civil penalty as follows:

21 (1) If the individual does not have a prior adjudication based
22 on the same traffic violation within the previous five (5) years,
23 three hundred dollars (\$300).

24 (2) If the individual has one (1) prior adjudication based on
25 the same traffic violation within the previous five (5) years,
26 seven hundred fifty dollars (\$750).

27 (3) If the individual has more than one (1) prior adjudication
28 based on the same traffic violation within the previous five (5)
29 years, one thousand dollars (\$1,000).

30 (b) A civil penalty imposed under this section shall be deposited
31 under the terms of the written agreement described in section 7(8)
32 of this chapter under which the traffic violation for which the civil
33 penalty was imposed was enforced.

34 (c) A civil penalty imposed under this section is the only penalty
35 that may be imposed under this chapter for a traffic violation.
36 Notwithstanding IC 34-28-5-4, an individual against whom a
37 judgment is entered for a traffic violation that is enforced by
38 camera enforcement is not liable for the amount prescribed in
39 IC 34-28-5-4(a) or for additional court costs. However, a court may
40 deduct costs from the civil penalty imposed under subsection (a) as
41 long as the amount imposed on the individual does not exceed the
42 applicable amount set forth in this section.



1 SECTION 5. IC 20-27-2-10, AS ADDED BY P.L.1-2005,
 2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2017]: Sec. 10. "Special purpose bus" means a motor vehicle:

4 (1) that is designed and constructed for the accommodation of
 5 more than ten (10) passengers;

6 (2) that:

7 (A) meets the federal school bus safety requirements under 49
 8 U.S.C. 30125 except the:

9 (i) ~~stop signal~~ arm **signal device** required under federal
 10 motor vehicle safety standard (FMVSS) no. 131; and

11 (ii) flashing lamps required under federal motor vehicle
 12 safety standard (FMVSS) no. 108;

13 (B) when owned by a school corporation and used to transport
 14 students, complies with the Federal Motor Carrier Safety
 15 Regulations as prescribed by the United States Department of
 16 Transportation Federal Motor Carrier Safety Administration as
 17 set forth in 49 CFR Chapter III Subchapter B; or

18 (C) when owned by a school corporation and used to transport
 19 students, is a motor coach type bus with a capacity of at least
 20 thirty (30) passengers and a gross vehicle weight rating greater
 21 than twenty-six thousand (26,000) pounds; and

22 (3) that is used by a school corporation for transportation
 23 purposes appropriate under IC 20-27-9-5.

24 SECTION 6. IC 20-27-3-6, AS ADDED BY P.L.1-2005, SECTION
 25 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 26 2017]: Sec. 6. The committee shall adopt and enforce rules under
 27 IC 4-22-2 that allow the display of the United States flag on a school
 28 bus operated by or on behalf of a school corporation. The rules must
 29 provide that a flag displayed on a school bus may not be placed in a
 30 manner that:

31 (1) obstructs the school bus driver's vision through the windshield
 32 or any other window;

33 (2) impedes the school bus driver's operation of any equipment;
 34 or

35 (3) distracts the attention of other motorists from the school bus's
 36 warning lamps or ~~stop signal~~ arm **signal device** when the school
 37 bus is loading or unloading students.

38 SECTION 7. IC 20-27-9-16, AS AMENDED BY P.L.198-2016,
 39 SECTION 650, IS AMENDED TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2017]: Sec. 16. (a) Except as provided in
 41 subsection (b), whenever a school bus is purchased for and is being
 42 used for any purpose except to transport students, the purchaser shall:



- 1 (1) remove the flasher lights;
 2 (2) remove the ~~stop~~ arm **signal device**; and
 3 (3) paint the bus any color except the national standard school bus
 4 chrome yellow.
- 5 (b) Whenever a school bus is purchased for use, and is being used,
 6 as a church bus (as defined in IC 9-13-2-24), the purchaser:
 7 (1) may retain the flasher lights if the purchaser renders the
 8 flasher lights inoperable;
 9 (2) may retain the ~~stop~~ arm **signal device** if the purchaser renders
 10 the stop arm inoperable; and
 11 (3) shall paint the bus any color except the national standard
 12 school bus chrome yellow.
- 13 SECTION 8. IC 33-37-4-2, AS AMENDED BY THE TECHNICAL
 14 CORRECTIONS BILL OF THE 2017 GENERAL ASSEMBLY, IS
 15 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:
 16 Sec. 2. (a) Except as provided in subsections (d) and (e), for each
 17 action that results in a judgment:
 18 (1) for a violation constituting an infraction; or
 19 (2) for a violation of an ordinance of a municipal corporation (as
 20 defined in IC 36-1-2-10);
 21 the clerk shall collect from the defendant an infraction or ordinance
 22 violation costs fee of seventy dollars (\$70).
- 23 (b) In addition to the infraction or ordinance violation costs fee
 24 collected under this section, the clerk shall collect from the defendant
 25 the following fees, if they are required under IC 33-37-5:
 26 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
 27 IC 33-37-5-4).
 28 (2) An alcohol and drug services program ~~user~~ fee
 29 (IC 33-37-5-8(b)).
 30 (3) A law enforcement continuing education program fee
 31 (IC 33-37-5-8(c)).
 32 (4) An alcohol and drug countermeasures fee (IC 33-37-5-10).
 33 (5) A highway ~~work~~ **worksite** zone fee (IC 33-37-5-14).
 34 (6) A deferred prosecution fee (IC 33-37-5-17).
 35 (7) A jury fee (IC 33-37-5-19).
 36 (8) A document storage fee (IC 33-37-5-20).
 37 (9) An automated record keeping fee (IC 33-37-5-21).
 38 (10) A late payment fee (IC 33-37-5-22).
 39 (11) A public defense administration fee (IC 33-37-5-21.2).
 40 (12) A judicial insurance adjustment fee (IC 33-37-5-25).
 41 (13) A judicial salaries fee (IC 33-37-5-26).
 42 (14) A court administration fee (IC 33-37-5-27).



1 (15) A DNA sample processing fee (IC 33-37-5-26.2).

2 (c) The clerk shall transfer to the county auditor or fiscal officer of
3 the municipal corporation the following fees, not later than thirty (30)
4 days after the fees are collected:

5 (1) The alcohol and drug services program ~~user~~ fee
6 (IC 33-37-5-8(b)).

7 (2) The law enforcement continuing education program fee
8 (IC 33-37-5-8(c)).

9 (3) The deferral program fee (subsection (e)).

10 The auditor or fiscal officer shall deposit the fees in the user fee fund
11 established under IC 33-37-8.

12 (d) The defendant is not liable for any ordinance violation costs fee
13 in an action if all the following apply:

14 (1) The defendant was charged with an ordinance violation
15 subject to IC 33-36.

16 (2) The defendant denied the violation under IC 33-36-3.

17 (3) Proceedings in court against the defendant were initiated
18 under IC 34-28-5 (or IC 34-4-32 before its repeal).

19 (4) The defendant was tried and the court entered judgment for
20 the defendant for the violation.

21 (e) Instead of the infraction or ordinance violation costs fee
22 prescribed by subsection (a), except for the automated record keeping
23 fee (IC 33-37-5-21), the clerk shall collect a deferral program fee if an
24 agreement between a prosecuting attorney or an attorney for a
25 municipal corporation and the person charged with a violation entered
26 into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires
27 payment of those fees by the person charged with the violation. The
28 deferral program fee is:

29 (1) an initial user's fee not to exceed fifty-two dollars (\$52); and

30 (2) a monthly user's fee not to exceed ten dollars (\$10) for each
31 month the person remains in the deferral program.

32 (f) The fees prescribed by this section are costs for purposes of
33 IC 34-28-5-5 and may be collected from a defendant against whom
34 judgment is entered. **Except as provided in IC 9-21-22-10 for a**
35 **traffic violation enforced through camera enforcement under**
36 **IC 9-21-22**, any penalty assessed is in addition to costs.

