

HOUSE BILL No. 1292

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2; IC 9-19; IC 20-20-44; IC 20-27-3-4; IC 20-27-7-8.

Synopsis: Seat belts on school buses. Provides that a school bus or special purpose bus that is placed into operation after June 30, 2018, and 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 \$5,000,000 to the fund from the state general fund. Makes conforming amendments.

Effective: July 1, 2017.

Bartlett

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



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. 1292

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles 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, 2017]: **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.198-2016,
6 SECTION 163, IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2017]: Sec. 161. (a) "School bus" means, except
8 as provided in ~~subsection~~ **subsections (b) and (c)**, a bus used to
9 transport preschool, elementary, or secondary school children to and
10 from:

- 11 (1) school;
- 12 (2) school athletic games or contests; or
- 13 (3) other school functions.

14 (b) "School bus", for purposes of IC 9-21, means a motor vehicle
15 owned by a public or governmental agency and operated for the
16 transportation of children to or from school, including project
17 headstart, or privately owned and operated for compensation for the



1 transportation of children to and from school, including project
2 headstart.

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

- 4 (1) bus;
5 (2) hack;
6 (3) conveyance;
7 (4) commercial motor vehicle; or
8 (5) motor vehicle;

9 used to transport elementary school (as defined in IC 20-18-2-4) or
10 high school (as defined in IC 20-18-2-7) students, or students in any
11 combination of grades included under IC 20-18-2-4 and
12 IC 20-18-2-7, to and from school and to and from school athletic
13 games or contests or other school functions. The term does not
14 include a privately owned motor vehicle with a capacity of not
15 more than five (5) passengers that is used for the purpose of
16 transporting school children to and from school.

17 SECTION 3. IC 9-13-2-170.7, AS ADDED BY P.L.107-2006,
18 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2017]: Sec. 170.7. (a) "Special purpose bus" has the meaning
20 set forth in ~~IC 20-27-2-10~~; means, except as provided in subsection
21 (b), a motor vehicle:

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

24 (2) that:

25 (A) meets the federal school bus safety requirements under
26 49 U.S.C. 30125, except the:

27 (i) stop signal arm required under federal motor vehicle
28 safety standard (FMVSS) no. 131; and

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

31 (B) when owned by a school corporation and used to
32 transport students, complies with the Federal Motor
33 Carrier Safety Regulations as prescribed by the United
34 States Department of Transportation Federal Motor
35 Carrier Safety Administration as set forth in 49 CFR
36 Chapter III Subchapter B; or

37 (C) when owned by a school corporation and used to
38 transport students, is a motor coach type bus with a
39 capacity of at least thirty (30) passengers and a gross
40 vehicle weight rating greater than twenty-six thousand
41 (26,000) pounds; and

42 (3) that is used by a school corporation for transportation



1 purposes appropriate under IC 20-27-9-5.

2 (b) "Special purpose bus", for purposes of IC 9-19, means a
3 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
8 49 U.S.C. 30125, except the:

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

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

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

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

22 (3) that is used by a school corporation or a nonpublic school
23 for transportation purposes.

24 SECTION 4. IC 9-19-10-1, AS AMENDED BY P.L.198-2016,
25 SECTION 334, IS AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2017]: Sec. 1. This chapter does not apply to an
27 occupant of a motor vehicle who meets any of the following conditions:

28 (1) For medical reasons should not wear safety belts, provided the
29 occupant has written documentation of the medical reasons from
30 a physician.

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

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

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

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

41 (6) Is a driver examiner designated and appointed by the bureau
42 and is conducting an examination of an applicant for a permit or



- 1 license under IC 9-24-10.
- 2 (7) Is an occupant of a farm truck being used on a farm in
- 3 connection with agricultural pursuits that are usual and normal to
- 4 the farming operation.
- 5 (8) Is an occupant of a motor vehicle participating in a parade.
- 6 (9) Is an occupant of the living quarters area of a recreational
- 7 vehicle.
- 8 (10) Is an occupant of the treatment area of an ambulance (as
- 9 defined in IC 16-18-2-13).
- 10 (11) Is an occupant of the sleeping area of a tractor.
- 11 (12) Is an occupant other than the operator of a vehicle described
- 12 in IC 9-20-11-1(1).
- 13 (13) Is an occupant other than the operator of a truck on a
- 14 construction site.
- 15 (14) Is a passenger other than the operator in a cab of a recovery
- 16 vehicle who is being transported in the cab because the vehicle of
- 17 the passenger is being towed by the recovery vehicle.
- 18 (15) Is an occupant other than the operator of a motor vehicle
- 19 being used by a public utility in an emergency as set forth in
- 20 IC 9-20-6-5.
- 21 SECTION 5. IC 9-19-11-1, AS AMENDED BY P.L.198-2016,
- 22 SECTION 335, IS AMENDED TO READ AS FOLLOWS
- 23 [EFFECTIVE JULY 1, 2017]: Sec. 1. This chapter does not apply to a
- 24 person who operates any of the following vehicles:
- 25 (1) A bus **or a special purpose bus.**
- 26 (2) A taxicab.
- 27 (3) A medical services vehicle.
- 28 (4) A passenger motor vehicle or truck that was manufactured
- 29 without a safety belt as a part of the standard equipment installed
- 30 by the manufacturer at each designated seating position, before
- 31 the requirement of the installation of safety belts in the motor
- 32 vehicle according to the standards stated in the Federal Motor
- 33 Vehicle Safety Standard Number 208 (49 CFR 571.208).
- 34 (5) A motorcycle.
- 35 (6) A motor driven cycle.
- 36 (7) A motor vehicle that is owned or leased by a governmental
- 37 unit and is being used in the performance of official law
- 38 enforcement duties.
- 39 (8) A motor vehicle that is being used in an emergency.
- 40 (9) A motor vehicle that is funeral equipment used in the
- 41 operation of funeral services when used in:
- 42 (A) a funeral procession;



- 1 (B) the return trip to a funeral home (as defined in
 2 IC 25-15-2-15); or
 3 (C) both the funeral procession and return trip.
 4 (10) A motor vehicle used to provide prearranged rides (as
 5 defined in IC 8-2.1-17-13.5).

6 SECTION 6. IC 9-19-13-3.5 IS ADDED TO THE INDIANA CODE
 7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 8 1, 2017]: **Sec. 3.5. (a) A school bus or special purpose bus placed
 9 into operation after June 30, 2018, that is used to transport
 10 elementary school (as defined in IC 20-18-2-4) or high school (as
 11 defined in IC 20-18-2-7) students, or students in any combination
 12 of grades included under IC 20-18-2-4 and IC 20-18-2-7, must be
 13 equipped with a 3-point lap and shoulder safety belt at each seating
 14 location. The safety belt installation and safety belt and anchor
 15 must meet the specifications of the Society of Automotive
 16 Engineers.**

17 (b) A school corporation or a nonpublic school that authorizes
 18 or permits a violation of subsection (a) commits a Class C
 19 infraction.

20 SECTION 7. IC 9-19-13-5.5 IS ADDED TO THE INDIANA CODE
 21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 22 1, 2017]: **Sec. 5.5. (a) Each occupant of a school bus or special
 23 purpose bus that has a 3-point lap and shoulder safety belt
 24 installed at each seating location in accordance with section 3.5 of
 25 this chapter shall have the lap and shoulder safety belt properly
 26 fastened about the occupant's body at all times when the bus is in
 27 motion.**

28 (b) A school corporation, nonpublic school, or owner of a school
 29 bus or special purpose bus (including a school bus or special
 30 purpose bus operated under a fleet or transportation contract) that
 31 authorizes or permits a violation of subsection (a) commits a Class
 32 C infraction.

33 SECTION 8. IC 20-20-44 IS ADDED TO THE INDIANA CODE
 34 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2017]:

36 **Chapter 44. Safety Belt Revolving Loan Fund**

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

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

42 (b) The department shall pay from the fund the expenses of



1 administering the fund.

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

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

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

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

15 (b) The department shall establish the following:

16 (1) Standards of eligibility.

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

19 (3) Application procedures.

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

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

23 (6) Any other provisions necessary to administer the loan
24 program.

25 (c) The department shall deposit repayments of principal and
26 interest on loans in the fund to increase the amount that is
27 available for new loans.

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

32 Sec. 5. If a school corporation fails to make any repayments of
33 a loan from the fund, the auditor of state shall withhold the
34 repayment amount from any other money payable by the state to
35 the school corporation. The amount withheld shall be transferred
36 to the fund to the credit of the school corporation.

37 SECTION 9. IC 20-27-3-4, AS AMENDED BY P.L.127-2016,
38 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2017]: Sec. 4. (a) The committee has the following powers:

40 (1) The committee may adopt rules under IC 4-22-2 establishing
41 standards for the construction of school buses and special purpose
42 buses, including minimum standards for the construction of



- 1 school buses and special purpose buses necessary to be issued a:
 2 (A) valid certificate of inspection decal; and
 3 (B) temporary certificate of inspection decal described in
 4 IC 20-27-7-10.
- 5 (2) The committee may adopt rules under IC 4-22-2 establishing
 6 standards for the equipment of school buses and special purpose
 7 buses, including minimum standards for the equipment of school
 8 buses and special purpose buses necessary to be issued a:
 9 (A) valid certificate of inspection decal; and
 10 (B) temporary certificate of inspection decal described in
 11 IC 20-27-7-10.
- 12 (3) The committee may adopt rules under IC 4-22-2 specifying
 13 the minimum standards that must be met to avoid the issuance of
 14 an out-of-service certificate of inspection decal.
- 15 (4) The committee may provide for the inspection of all school
 16 buses and special purpose buses, new or old, that are offered for
 17 sale, lease, or contract.
- 18 (5) The committee may provide for the annual inspection of all
 19 school buses and special purpose buses and the issuance of
 20 certificate of inspection decals.
- 21 (6) The committee may maintain an approved list of school buses
 22 and special purpose buses that have passed inspection tests under
 23 subdivision (4) or (5).
- 24 (7) The committee may, subject to approval by the state board of
 25 accounts, prescribe standard forms for school bus driver contracts.
- 26 (8) The committee may hear appeals brought under IC 20-27-7-15
 27 and IC 20-27-8-15.
- 28 **(9) The committee shall adopt rules under IC 4-22-2 for the**
 29 **design, installation, and use of 3-point lap and shoulder safety**
 30 **belt systems that must be installed in all school buses and**
 31 **special purpose buses that are first placed into operation by**
 32 **a school corporation or a nonpublic school after June 30,**
 33 **2018, in accordance with IC 9-19-13-3.5.**
- 34 (b) The committee shall adopt rules under IC 4-22-2 to set
 35 performance standards and measurements for determining the physical
 36 ability necessary for an individual to be a school bus driver.
- 37 (c) The certificate of inspection decals shall be issued to correspond
 38 with each school year. Each certificate of inspection decal expires on
 39 September 30 following the school year in which the certificate of
 40 inspection decal is effective. However, for buses that are described in
 41 IC 20-27-7-7, the certificate of inspection decal expires on a date that
 42 is not later than seven (7) months after the date of the first inspection



- 1 for the particular school year.
- 2 SECTION 10. IC 20-27-7-8, AS ADDED BY P.L.1-2005,
3 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2017]: Sec. 8. The inspection of a special purpose bus shall
5 consist of an inspection to determine the existence and condition of the
6 vehicle's:
- 7 (1) brakes;
 - 8 (2) lights (headlamps, tail lamps, brake lights, clearance lights,
9 and turn signals);
 - 10 (3) steering and suspension;
 - 11 (4) exhaust systems;
 - 12 (5) general body condition; ~~and~~
 - 13 (6) tires; **and**
 - 14 (7) **3-point lap and shoulder safety belt systems, for a special**
15 **purpose bus placed into operation by a school corporation or**
16 **a nonpublic school after June 30, 2018.**
- 17 SECTION 11. [EFFECTIVE JULY 1, 2017] (a) **There is**
18 **appropriated to the safety belt revolving loan fund established by**
19 **IC 20-20-44-2, as added by this act, five million dollars (\$5,000,000)**
20 **for the period beginning July 1, 2018, and ending June 30, 2019,**
21 **from the state general fund to carry out the purposes of the safety**
22 **belt revolving loan fund.**
- 23 (b) **This SECTION expires July 1, 2019.**

