

# HOUSE BILL No. 1377

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-13-2; IC 9-19; IC 20-20-45; IC 20-27; IC 20-40-18-5.

**Synopsis:** Seat belts on school buses. Provides that a school bus or special purpose bus that is placed into operation after June 30, 2019, 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, including charter schools, 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, 2018.

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## Bartlett, Cook

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January 16, 2018, read first time and referred to Committee on Education.

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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. 1377

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, 2018]: **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, 2018]: 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 or 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 9-13-2-161.1 IS ADDED TO THE INDIANA  
18 CODE AS A NEW SECTION TO READ AS FOLLOWS  
19 [EFFECTIVE JULY 1, 2018]: Sec. 161.1. "School corporation" has  
20 the meaning set forth in IC 36-1-2-17.

21 SECTION 4. IC 9-13-2-170.7, AS ADDED BY P.L.107-2006,  
22 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 JULY 1, 2018]: Sec. 170.7. (a) "Special purpose bus" has the meaning  
24 set forth in IC 20-27-2-10; means, except as provided in subsection  
25 (b), a motor vehicle:

- 26 (1) that is designed and constructed for the accommodation of  
27 more than ten (10) passengers;  
28 (2) that:  
29 (A) meets the federal school bus safety requirements under  
30 49 U.S.C. 30125, except the:  
31 (i) stop signal arm required under federal motor vehicle  
32 safety standard (FMVSS) no. 131; and  
33 (ii) flashing lamps required under federal motor vehicle  
34 safety standard (FMVSS) no. 108;  
35 (B) when owned by a school corporation and used to  
36 transport students, complies with the Federal Motor  
37 Carrier Safety Regulations as prescribed by the United  
38 States Department of Transportation Federal Motor  
39 Carrier Safety Administration as set forth in 49 CFR  
40 Chapter III Subchapter B; or  
41 (C) when owned by a school corporation and used to  
42 transport students, is a motor coach type bus with a



- 1           capacity of at least thirty (30) passengers and a gross  
2           vehicle weight rating greater than twenty-six thousand  
3           (26,000) pounds; and  
4           (3) that is used by a school corporation for transportation  
5           purposes appropriate under IC 20-27-9-5.  
6           (b) "Special purpose bus", for purposes of IC 9-19, means a  
7           motor vehicle:  
8           (1) that is designed and constructed for the accommodation of  
9           more than ten (10) passengers;  
10          (2) that:  
11           (A) meets the federal school bus safety requirements under  
12           49 U.S.C. 30125, except the:  
13           (i) stop signal arm required under federal motor vehicle  
14           safety standard (FMVSS) no. 131; and  
15           (ii) flashing lamps required under federal motor vehicle  
16           safety standard (FMVSS) no. 108;  
17           (B) when used to transport students, complies with the  
18           Federal Motor Carrier Safety Regulations as prescribed by  
19           the United States Department of Transportation Federal  
20           Motor Carrier Safety Administration as set forth in 49  
21           CFR Chapter III Subchapter B; or  
22           (C) when used to transport students, is a motor coach type  
23           bus with a capacity of at least thirty (30) passengers and a  
24           gross vehicle weight rating greater than twenty-six  
25           thousand (26,000) pounds; and  
26          (3) that is used for transportation purposes by:  
27           (A) a school corporation;  
28           (B) a charter school; or  
29           (C) a nonpublic school.  
30          SECTION 5. IC 9-19-10-1, AS AMENDED BY P.L.198-2016,  
31          SECTION 334, IS AMENDED TO READ AS FOLLOWS  
32          [EFFECTIVE JULY 1, 2018]: Sec. 1. This chapter does not apply to an  
33          occupant of a motor vehicle who meets any of the following conditions:  
34          (1) For medical reasons should not wear safety belts, provided the  
35          occupant has written documentation of the medical reasons from  
36          a physician.  
37          (2) Is a child required to be restrained by a child restraint system  
38          under IC 9-19-11 or a lap and shoulder safety belt under  
39          IC 9-19-13.  
40          (3) Is traveling in a commercial or a United States Postal Service  
41          vehicle that makes frequent stops for the purpose of pickup or  
42          delivery of goods or services.



- 1 (4) Is a rural carrier of the United States Postal Service and is  
 2 operating a vehicle while serving a rural postal route.  
 3 (5) Is a newspaper motor route carrier or newspaper bundle hauler  
 4 who stops to make deliveries from a vehicle.  
 5 (6) Is a driver examiner designated and appointed by the bureau  
 6 and is conducting an examination of an applicant for a permit or  
 7 license under IC 9-24-10.  
 8 (7) Is an occupant of a farm truck being used on a farm in  
 9 connection with agricultural pursuits that are usual and normal to  
 10 the farming operation.  
 11 (8) Is an occupant of a motor vehicle participating in a parade.  
 12 (9) Is an occupant of the living quarters area of a recreational  
 13 vehicle.  
 14 (10) Is an occupant of the treatment area of an ambulance (as  
 15 defined in IC 16-18-2-13).  
 16 (11) Is an occupant of the sleeping area of a tractor.  
 17 (12) Is an occupant other than the operator of a vehicle described  
 18 in IC 9-20-11-1(1).  
 19 (13) Is an occupant other than the operator of a truck on a  
 20 construction site.  
 21 (14) Is a passenger other than the operator in a cab of a recovery  
 22 vehicle who is being transported in the cab because the vehicle of  
 23 the passenger is being towed by the recovery vehicle.  
 24 (15) Is an occupant other than the operator of a motor vehicle  
 25 being used by a public utility in an emergency as set forth in  
 26 IC 9-20-6-5.
- 27 SECTION 6. IC 9-19-11-1, AS AMENDED BY P.L.198-2016,  
 28 SECTION 335, IS AMENDED TO READ AS FOLLOWS  
 29 [EFFECTIVE JULY 1, 2018]: Sec. 1. This chapter does not apply to a  
 30 person who operates any of the following vehicles:  
 31 (1) A bus **or a special purpose bus.**  
 32 (2) A taxicab.  
 33 (3) A medical services vehicle.  
 34 (4) A passenger motor vehicle or truck that was manufactured  
 35 without a safety belt as a part of the standard equipment installed  
 36 by the manufacturer at each designated seating position, before  
 37 the requirement of the installation of safety belts in the motor  
 38 vehicle according to the standards stated in the Federal Motor  
 39 Vehicle Safety Standard Number 208 (49 CFR 571.208).  
 40 (5) A motorcycle.  
 41 (6) A motor driven cycle.  
 42 (7) A motor vehicle that is owned or leased by a governmental



1 unit and is being used in the performance of official law  
2 enforcement duties.

3 (8) A motor vehicle that is being used in an emergency.

4 (9) A motor vehicle that is funeral equipment used in the  
5 operation of funeral services when used in:

6 (A) a funeral procession;

7 (B) the return trip to a funeral home (as defined in  
8 IC 25-15-2-15); or

9 (C) both the funeral procession and return trip.

10 (10) A motor vehicle used to provide prearranged rides (as  
11 defined in IC 8-2.1-17-13.5).

12 SECTION 7. IC 9-19-13-3.5 IS ADDED TO THE INDIANA CODE  
13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
14 1, 2018]: **Sec. 3.5. (a) A school bus or special purpose bus placed  
15 into operation after June 30, 2019, that is used to transport  
16 elementary school (as defined in IC 20-18-2-4) or high school (as  
17 defined in IC 20-18-2-7) students, or students in any combination  
18 of grades included under IC 20-18-2-4 and IC 20-18-2-7, must be  
19 equipped with a 3-point lap and shoulder safety belt at each seating  
20 location. The safety belt installation and safety belt and anchor  
21 must meet the specifications of the Society of Automotive  
22 Engineers.**

23 **(b) A school corporation, a charter school, or a nonpublic school  
24 that authorizes or permits a violation of subsection (a) commits a  
25 Class C infraction.**

26 SECTION 8. IC 9-19-13-5.5 IS ADDED TO THE INDIANA CODE  
27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
28 1, 2018]: **Sec. 5.5. (a) Each occupant of a school bus or special  
29 purpose bus that has a 3-point lap and shoulder safety belt  
30 installed at each seating location in accordance with section 3.5 of  
31 this chapter shall have the lap and shoulder safety belt properly  
32 fastened about the occupant's body at all times when the bus is in  
33 motion.**

34 **(b) A school corporation, a charter school, a nonpublic school,  
35 or owner of a school bus or special purpose bus (including a school  
36 bus or special purpose bus operated under a fleet or transportation  
37 contract) that authorizes or permits a violation of subsection (a)  
38 commits a Class C infraction.**

39 SECTION 9. IC 20-20-45 IS ADDED TO THE INDIANA CODE  
40 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2018]:

42 **Chapter 45. Safety Belt Revolving Loan Fund**



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

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

6           **(b)** The fund consists of the following:

7               **(1)** Money appropriated to the fund by the general assembly.

8               **(2)** Repayments of principal and interest on loans under  
9 section 3 of this chapter.

10          **(c)** The department shall pay from the fund the expenses of  
11 administering the fund.

12          **(d)** The treasurer of state shall invest the money in the fund not  
13 currently needed to meet the obligations of the fund in the same  
14 manner as other public funds may be invested. Interest that  
15 accrues from these investments shall be deposited in the fund.

16          **(e)** Money in the fund at the end of a state fiscal year does not  
17 revert to the state general fund.

18          **(f)** Money in the fund is continuously appropriated for the  
19 purposes of this chapter.

20          **Sec. 3. (a)** The department shall establish a revolving loan  
21 program to provide loans from the fund to school corporations,  
22 including charter schools, to assist school corporations and charter  
23 schools in paying expenses necessary to comply with the  
24 requirements under IC 9-19-13-3.5 concerning safety belts on  
25 school buses and special purpose buses.

26          **(b)** The department shall establish the following:

27               **(1)** Standards of eligibility.

28               **(2)** The maximum amount of a loan that may be awarded to  
29 a school corporation or a charter school.

30               **(3)** Application procedures.

31               **(4)** Any local matching funds that are required.

32               **(5)** The interest rate, duration, repayment schedule, and other  
33 terms and conditions of a loan.

34               **(6)** Any other provisions necessary to administer the loan  
35 program.

36          **(c)** The department shall deposit repayments of principal and  
37 interest on loans in the fund to increase the amount that is  
38 available for new loans.

39          **Sec. 4.** A school corporation or a charter school may use any  
40 source of revenue to repay a loan under this chapter, including  
41 money in the school corporation's or charter school's operations  
42 fund under IC 20-40-18.



1           **Sec. 5. If a school corporation or a charter school fails to make**  
 2 **any repayments of a loan from the fund, the auditor of state shall**  
 3 **withhold the repayment amount from any other money payable by**  
 4 **the state to the school corporation or the charter school. The**  
 5 **amount withheld shall be transferred to the fund to the credit of**  
 6 **the school corporation or the charter school.**

7           SECTION 10. IC 20-27-3-4, AS AMENDED BY P.L.127-2016,  
 8 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2018]: Sec. 4. (a) The committee has the following powers  
 10 **and duties:**

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

15           (A) valid certificate of inspection decal; and

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

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

22           (A) valid certificate of inspection decal; and

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

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

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

31           (5) The committee may provide for the annual inspection of all  
 32 school buses and special purpose buses and the issuance of  
 33 certificate of inspection decals.

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

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

39           (8) The committee may hear appeals brought under IC 20-27-7-15  
 40 and IC 20-27-8-15.

41           **(9) The committee shall adopt rules under IC 4-22-2 for the**  
 42 **design, installation, and use of 3-point lap and shoulder safety**





1           **belt systems that must be installed in all school buses and**  
 2           **special purpose buses that are first placed into operation by**  
 3           **a school corporation, a charter school, or a nonpublic school**  
 4           **after June 30, 2019, in accordance with IC 9-19-13-3.5.**

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

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

15           SECTION 11. IC 20-27-7-8, AS ADDED BY P.L.1-2005,  
 16 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2018]: Sec. 8. The inspection of a special purpose bus shall  
 18 consist of an inspection to determine the existence and condition of the  
 19 vehicle's:

- 20           (1) brakes;  
 21           (2) lights (headlamps, tail lamps, brake lights, clearance lights,  
 22           and turn signals);  
 23           (3) steering and suspension;  
 24           (4) exhaust systems;  
 25           (5) general body condition; ~~and~~  
 26           (6) tires; **and**  
 27           **(7) 3-point lap and shoulder safety belt systems, for a special**  
 28           **purpose bus placed into operation by a school corporation, a**  
 29           **charter school, or a nonpublic school after June 30, 2019, in**  
 30           **accordance with IC 9-19-13-3.5.**

31           SECTION 12. IC 20-40-18-5, AS ADDED BY P.L.244-2017,  
 32 SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2018]: Sec. 5. The operations fund may be used only to do the  
 34 following:

- 35           (1) Carry out a capital projects plan approved under:  
 36           (A) IC 20-46-6 (before January 1, 2019); or  
 37           (B) section 6 of this chapter (after December 31, 2018) for  
 38           facility expenditures described in section 7 of this chapter.  
 39           (2) Pay transportation costs described in section 8 of this chapter.  
 40           (3) Carry out a school bus replacement plan approved under:  
 41           (A) IC 20-46-5 (before January 1, 2019); or  
 42           (B) section 9 of this chapter (after December 31, 2018).



- 1 (4) Pay expenses that are allocated to overhead and operational  
2 expenditures or to nonoperational expenditures under IC 20-42.5.  
3 (5) Provide funds to an art association or a historical society as  
4 provided in IC 36-10-13.  
5 (6) Establish, maintain, and equip a public playground under  
6 IC 36-10-14.  
7 **(7) Repay a loan under IC 20-20-45.**  
8 SECTION 13. [EFFECTIVE JULY 1, 2018] **(a) There is**  
9 **appropriated to the safety belt revolving loan fund established by**  
10 **IC 20-20-45-2, as added by this act, five million dollars (\$5,000,000)**  
11 **for the period beginning July 1, 2019, and ending June 30, 2020,**  
12 **from the state general fund to carry out the purposes of the safety**  
13 **belt revolving loan fund.**  
14 **(b) This SECTION expires July 1, 2020.**

