

SENATE BILL No. 2

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-21; IC 9-30; IC 20-27-10-0.5; IC 35-52-9.

Synopsis: School bus safety. Increases the penalty, from a Class A infraction to a Class C misdemeanor, for an individual who fails to stop when a school bus's stop arm is extended. Provides that the court shall suspend the person's driving privileges: (1) for 90 days; or (2) if the person has committed at least one previous school bus arm offense, for one year. Increases the penalty, from a Class B misdemeanor to a Class A misdemeanor, for an individual who recklessly passes a school bus when its stop arm is extended. Increases the penalty, from a Class A misdemeanor to a Level 6 felony, for an individual who recklessly passes a school bus when its stop arm is extended if the action results in injury. Provides that if an individual is convicted of recklessly passing a school bus causing bodily injury to a person, the individual may be fined not more than \$20,000. Provides that the court shall suspend the driving privileges of a person who recklessly passes a school bus when its stop arm is extended: (1) for 90 days; or (2) if the person has committed at least one previous school bus arm offense, for one year. Provides that a person who has the person's license suspended may not obtain specialized driving privileges. Provides that on or before September 1, 2019, and each September 1 thereafter, each school corporation, charter school, or accredited nonpublic school that provides transportation for students must review each school's school bus routes and school bus safety policies to improve the safety of students and adults. Provides that the state school bus committee, in consultation with the department of education (department), shall develop and post on the department's Internet web site school bus
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Effective: Upon passage; July 1, 2019.

Head

January 8, 2019, read first time and referred to Committee on Judiciary.



Digest Continued

safety guidelines or best practices. Provides that the department, in consultation with the department of transportation, shall include on the department's Internet web site information on how an individual or school may petition to reduce maximum speed limits in areas necessary to ensure that students are safely loaded onto or unloaded from a school bus. Provides that when a school bus is operated on a: (1) U.S. route or state route, the driver may not load or unload a student at a location that requires the student to cross a roadway unless no other safe alternatives are available; and (2) street or highway other than a U.S. route or state route, the driver shall load and unload a student as close to the right-hand curb or edge of the roadway as practicable.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 2



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 9-21-8-52, AS AMENDED BY P.L.198-2016,
2 SECTION 364, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: Sec. 52. (a) A person who operates a
4 vehicle and who recklessly:
5 (1) drives at such an unreasonably high rate of speed or at such an
6 unreasonably low rate of speed under the circumstances as to:
7 (A) endanger the safety or the property of others; or
8 (B) block the proper flow of traffic;
9 (2) passes another vehicle from the rear while on a slope or on a
10 curve where vision is obstructed for a distance of less than five
11 hundred (500) feet ahead;
12 (3) drives in and out of a line of traffic, except as otherwise
13 permitted; or
14 (4) speeds up or refuses to give one-half (1/2) of the roadway to
15 a driver overtaking and desiring to pass;
16 commits a Class C misdemeanor. However, the offense is a Class A
17 misdemeanor if it causes bodily injury to a person.



1 (b) A person who operates a vehicle and who recklessly passes a
 2 school bus stopped on a roadway when the arm signal device specified
 3 in IC 9-21-12-13 is in the device's extended position commits a ~~Class~~
 4 **B Class A** misdemeanor. However, the offense is a ~~Class A~~
 5 **misdemeanor Level 6 felony** if it causes bodily injury to a person.

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

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

15 **(e) In addition to any other penalty imposed under subsection**
 16 **(b), the court shall suspend the person's driving privileges:**

17 **(1) for ninety (90) days; or**

18 **(2) if the person has committed at least one (1) previous**
 19 **offense under this section or IC 9-21-12-1, for one (1) year.**

20 **(f) Notwithstanding the maximum fine provisions of**
 21 **IC 35-50-2-7, a person who is convicted of an offense under**
 22 **subsection (b) that causes bodily injury to a person may be fined**
 23 **not more than twenty thousand dollars (\$20,000).**

24 SECTION 2. IC 9-21-12-1, AS AMENDED BY P.L.217-2014,
 25 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2019]: Sec. 1. (a) A person who drives a vehicle that:

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

31 (2) proceeds before the arm signal device is no longer extended;
 32 commits a ~~Class A infraction~~. **Class C misdemeanor.**

33 **(b) In addition to any other penalty imposed under this section,**
 34 **the court shall suspend the person's driving privileges:**

35 **(1) for ninety (90) days; or**

36 **(2) if the person has committed at least one (1) previous**
 37 **offense under this section or IC 9-21-8-52(b), for one (1) year.**

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

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



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

5 SECTION 3. IC 9-21-12-20 IS ADDED TO THE INDIANA CODE
 6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 7 1, 2019]: **Sec. 20. (a) When a school bus is operated on a:**

8 **(1) U.S. route or state route, the driver may not load or**
 9 **unload a student at a location that requires the student to**
 10 **cross a roadway unless no other safe alternatives are**
 11 **available; and**

12 **(2) street or highway other than a U.S. route or state route,**
 13 **the driver shall load and unload a student as close to the**
 14 **right-hand curb or edge of the roadway as practicable.**

15 **(b) A school bus driver who knowingly or intentionally violates**
 16 **this section commits a Class C misdemeanor.**

17 SECTION 4. IC 9-30-2-2, AS AMENDED BY P.L.164-2018,
 18 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2019]: **Sec. 2. (a) Except as provided in subsection (b), a law**
 20 **enforcement officer may not arrest or issue a traffic information and**
 21 **summons to a person for a violation of an Indiana law regulating the**
 22 **use and operation of a motor vehicle on a highway or an ordinance of**
 23 **a city or town regulating the use and operation of a motor vehicle on a**
 24 **highway unless at the time of the arrest the officer is:**

- 25 (1) wearing a distinctive uniform and a badge of authority; or
 26 (2) operating a motor vehicle that is clearly marked as a police
 27 vehicle;

28 that will clearly show the officer or the officer's vehicle to casual
 29 observations to be an officer or a police vehicle.

30 (b) Subsection (a) does not apply to an officer in an unmarked
 31 police vehicle making an arrest or issuing a traffic information and
 32 summons:

33 (1) when there is a uniformed officer present at the time of the
 34 arrest; or

35 (2) for a violation of one (1) or more of the following:

36 (A) IC 9-21-8-52(a)(1)(A) (reckless driving causing
 37 endangerment).

38 (B) IC 9-21-8-52(b) as a ~~Class A misdemeanor~~ **Level 6 felony**
 39 (recklessly passing a stopped school bus resulting in bodily
 40 injury).

41 (C) IC 9-30-5-2(b) as a Class A misdemeanor (operating while
 42 intoxicated in a manner that endangers a person).



1 SECTION 5. IC 9-30-16-1, AS AMENDED BY P.L.46-2018,
 2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2019]: Sec. 1. (a) Except as provided in subsection (b), the
 4 following are ineligible for specialized driving privileges under this
 5 chapter:

- 6 (1) A person who has never been an Indiana resident.
 7 (2) A person seeking specialized driving privileges with respect
 8 to a suspension based on the person's refusal to submit to a
 9 chemical test offered under IC 9-30-6 or IC 9-30-7.
 10 (3) A person whose driving privileges have been suspended or
 11 revoked under IC 9-24-10-7(b)(2)(A).
 12 **(4) A person whose driving privileges have been suspended**
 13 **under IC 9-21-12-1(b).**

14 (b) This chapter applies to the following:

- 15 (1) A person who held an operator's, a commercial driver's, a
 16 public passenger chauffeur's, or a chauffeur's license at the time
 17 of:
 18 (A) the criminal conviction for which the operation of a motor
 19 vehicle is an element of the offense;
 20 (B) any criminal conviction for an offense under IC 9-30-5,
 21 IC 35-46-9, or IC 14-15-8 (before its repeal); or
 22 (C) committing the infraction of exceeding a worksite speed
 23 limit for the second time in one (1) year under IC 9-21-5-11(f).
 24 (2) A person who:
 25 (A) has never held a valid Indiana driver's license or does not
 26 currently hold a valid Indiana learner's permit; and
 27 (B) was an Indiana resident when the driving privileges for
 28 which the person is seeking specialized driving privileges
 29 were suspended.

30 (c) Except as specifically provided in this chapter, a court may
 31 suspend the driving privileges of a person convicted of any of the
 32 following offenses for a period up to the maximum allowable period of
 33 incarceration under the penalty for the offense:

- 34 (1) Any criminal conviction in which the operation of a motor
 35 vehicle is an element of the offense.
 36 (2) Any criminal conviction for an offense under IC 9-30-5,
 37 IC 35-46-9, or IC 14-15-8 (before its repeal).
 38 (3) Any offense under IC 35-42-1, IC 35-42-2, or IC 35-44.1-3-1
 39 that involves the use of a vehicle.

40 (d) Except as provided in section 3.5 of this chapter, a suspension
 41 of driving privileges under this chapter may begin before the
 42 conviction. Multiple suspensions of driving privileges ordered by a



1 court that are part of the same episode of criminal conduct shall be
2 served concurrently. A court may grant credit time for any suspension
3 that began before the conviction, except as prohibited by section
4 6(a)(2) of this chapter.

5 (e) If a person has had an ignition interlock device installed as a
6 condition of specialized driving privileges or under IC 9-30-6-8(d), the
7 period of the installation shall be credited as part of the suspension of
8 driving privileges.

9 (f) This subsection applies to a person described in subsection
10 (b)(2). A court shall, as a condition of granting specialized driving
11 privileges to the person, require the person to apply for and obtain an
12 Indiana driver's license.

13 (g) If a person indicates to the court at an initial hearing (as
14 described in IC 35-33-7) that the person intends to file a petition for a
15 specialized driving privileges hearing with that court under section 3
16 or 4 of this chapter, the following apply:

17 (1) The court shall:

18 (A) stay the suspension of the person's driving privileges at the
19 initial hearing and shall not submit the probable cause
20 affidavit related to the person's offense to the bureau; and

21 (B) set the matter for a specialized driving privileges hearing
22 not later than thirty (30) days after the initial hearing.

23 (2) If the person does not file a petition for a specialized driving
24 privileges hearing not later than ten (10) days after the date of the
25 initial hearing, the court shall lift the stay of the suspension of the
26 person's driving privileges and shall submit the probable cause
27 affidavit related to the person's offense to the bureau for
28 automatic suspension.

29 (3) If the person files a petition for a specialized driving privileges
30 hearing not later than ten (10) days after the initial hearing, the
31 stay of the suspension of the person's driving privileges continues
32 until the matter is heard and a determination is made by the court
33 at the specialized driving privileges hearing.

34 (4) If the specialized driving privileges hearing is continued due
35 to:

36 (A) a congestion of the court calendar;

37 (B) the prosecuting attorney's motion for a continuance; or

38 (C) the person's motion for a continuance with no objection by
39 the prosecuting attorney;

40 the stay of the suspension of the person's driving privileges
41 continues until addressed at the next hearing.

42 (5) If the person moves for a continuance of the specialized



1 driving privileges hearing and the court grants the continuance
 2 over the prosecuting attorney's objection, the court shall lift the
 3 stay of the suspension of the person's driving privileges and shall
 4 submit the probable cause affidavit related to the person's offense
 5 to the bureau for automatic suspension.

6 SECTION 6. IC 20-27-10-0.5 IS ADDED TO THE INDIANA
 7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. (a) On or before**
 9 **September 1, 2019, and each September 1 thereafter, each school**
 10 **corporation, charter school, and accredited nonpublic school that**
 11 **provides transportation for students must review the school's**
 12 **school bus routes and school bus safety policies to improve the**
 13 **safety of students and adults.**

14 (b) The state school bus committee, in consultation with the
 15 department, shall develop and post on the department's Internet
 16 web site school bus safety guidelines or best practices. The
 17 guidelines or best practices must include procedures to be taken to
 18 ensure that students do not enter a roadway until approaching
 19 traffic has come to a complete stop.

20 (c) In addition to the requirements under subsection (b), the
 21 department, in consultation with the department of transportation,
 22 shall include on the department's Internet web site information on
 23 how an individual or school may petition to reduce maximum
 24 speed limits in areas necessary to ensure that students are safely
 25 loaded onto or unloaded from a school bus.

26 SECTION 7. IC 35-52-9-19.5 IS ADDED TO THE INDIANA
 27 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2019]: **Sec. 19.5. IC 9-21-12-1 defines a crime**
 29 **concerning traffic regulation.**

30 SECTION 8. IC 35-52-9-25.4 IS ADDED TO THE INDIANA
 31 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2019]: **Sec. 25.4. IC 9-21-12-20 defines a**
 33 **crime concerning traffic regulation.**

34 SECTION 9. **An emergency is declared for this act.**

