



March 25, 2021

ENGROSSED SENATE BILL No. 69

DIGEST OF SB 69 (Updated March 24, 2021 2:31 pm - DI 133)

Citations Affected: IC 9-21.

Synopsis: School bus stop arm violation enforcement. Specifies that a registered owner of a motor vehicle commits an infraction if the owner's vehicle is used to violate the school bus stop arm law. Provides a defense for a registered owner who fully cooperates with law enforcement, if: (1) the vehicle was stolen; (2) the registered owner routinely engages in the business of renting the vehicle; or (3) the registered owner provided the vehicle for the use of an employee. Specifies that: (1) the bureau of motor vehicles may not assess points for the infraction; and (2) an adjudication for the infraction does not create a presumption of liability in a civil action.

Effective: July 1, 2021.

**Niemeyer, Bohacek,
Randolph Lonnie M**
(HOUSE SPONSORS — SLAGER, PRESSEL)

January 4, 2021, read first time and referred to Committee on Corrections and Criminal Law.

January 28, 2021, amended, reported favorably — Do Pass.

February 2, 2021, read second time, ordered engrossed. Engrossed.

February 9, 2021, returned to second reading.

February 15, 2021, re-read second time, amended, ordered engrossed.

February 16, 2021, re-engrossed. Returned to second reading.

February 22, 2021, re-read second time, amended, ordered engrossed.

February 23, 2021, re-engrossed. Read third time, passed. Yeas 38, nays 11.

HOUSE ACTION

March 4, 2021, read first time and referred to Committee on Roads and Transportation.

March 25, 2021, reported — Do Pass.

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March 25, 2021

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 69

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.144-2019,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 52. (a) A person who operates a vehicle and who
4 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.

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

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

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

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

18 (1) for ninety (90) days; or

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

21 **(f) Except as provided in subsection (g), the registered owner of**
22 **a vehicle used to pass a school bus stopped on a roadway or a**
23 **private road when the arm signal device specified in IC 9-21-12-13**
24 **is in the device's extended position commits a Class B infraction.**

25 **(g) It is a defense to an action under subsection (f) that:**

26 **(1) the vehicle was stolen from the registered owner and the**
27 **registered owner is able to document the theft by presenting**
28 **a police report;**

29 **(2) the registered owner of a vehicle involved in the violation**
30 **of this section routinely engages in the business of renting the**
31 **vehicle for periods of thirty (30) days or less; or**

32 **(3) the registered owner of the vehicle involved in the violation**
33 **of this section is an employer who provided the vehicle for use**
34 **by employees in the scope of their employment;**

35 **if the registered owner fully cooperates with law enforcement in**
36 **the investigation and prosecution of a violation of subsection (f).**

37 **(h) The bureau may not assess points under the point system for**
38 **an infraction committed under subsection (f).**

39 **(i) An adjudication for an infraction committed under**
40 **subsection (f) does not create a presumption of liability in a civil**
41 **action.**



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 69, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, delete lines 21 through 42, begin a new paragraph and insert:

"(f) Except as provided in subsection (g), the registered owner of a vehicle used to pass a school bus stopped on a roadway or a private road when the arm signal device specified in IC 9-21-12-13 is in the device's extended position commits a Class B infraction. However, the violation is a Class A infraction if the registered owner has a prior:

(1) adjudication for a violation of this subsection; or

(2) conviction for a violation of subsection (b).

(g) It is a defense to an action under subsection (f) that the vehicle was stolen from the registered owner and the registered owner is able to document the theft by presenting a police report."

Delete pages 3 through 5.

and when so amended that said bill do pass.

(Reference is to SB 69 as introduced.)

YOUNG M, Chairperson

Committee Vote: Yeas 5, Nays 3.

 SENATE MOTION

Madam President: I move that Engrossed Senate Bill 69, which is eligible for third reading, be returned to second reading for purposes of amendment.

NIEMEYER



SENATE MOTION

Madam President: I move that Senate Bill 69 be amended to read as follows:

Page 2, after line 31, begin a new paragraph and insert:

"(h) The bureau may not assess points under the point system for an infraction committed under subsection (f).

(i) An adjudication for an infraction committed under subsection (f) does not create a presumption of liability in a civil action."

(Reference is to SB 69 as printed January 29, 2021.)

NIEMEYER

 SENATE MOTION

Madam President: I move that Senate Engrossed Bill 69, which is eligible for third reading, be returned to second reading for purposes of amendment.

NIEMEYER

 SENATE MOTION

Madam President: I move that Senate Bill 69 be amended to read as follows:

Page 2, delete lines 21 through 31, begin a new paragraph, and insert:

"(f) Except as provided in subsection (g), the registered owner of a vehicle used to pass a school bus stopped on a roadway or a private road when the arm signal device specified in IC 9-21-12-13 is in the device's extended position commits a Class B infraction.

(g) It is a defense to an action under subsection (f) that:

- (1) the vehicle was stolen from the registered owner and the registered owner is able to document the theft by presenting a police report;**
- (2) the registered owner of a vehicle involved in the violation of this section routinely engages in the business of renting the**

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**vehicle for periods of thirty (30) days or less; or
(3) the registered owner of the vehicle involved in the violation
of this section is an employer who provided the vehicle for use
by employees in the scope of their employment;
if the registered owner fully cooperates with law enforcement in
the investigation and prosecution of a violation of subsection (f)."**

(Reference is to SB 69 as reprinted February 16, 2021.)

NIEMEYER

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Bill 69, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 69 as reprinted February 23, 2021.)

PRESSEL

Committee Vote: Yeas 7, Nays 3

