

ENGROSSED SENATE BILL No. 4

DIGEST OF SB 4 (Updated February 18, 1998 3:54 pm - DI 02)

Citations Affected: IC 8-2.1; IC 20-9.1.

Synopsis: School bus monitors. Changes from 21 years to 18 years the minimum age for employment as a school bus monitor. Requires that a school bus monitor must have the same physical characteristics that are required of a school bus driver. Provides that a school corporation or school bus operator may not employ an individual who is less than 21 years of age as a school bus monitor unless the school corporation or school bus operator does not receive a sufficient number of qualified applicants for employment as school bus monitors who are at least 21 years of age. Requires a school corporation or school bus operator to maintain a record of applicants, their ages, and their qualifications to show compliance. Provides that the state police department may adopt rules to establish a certification program for third party inspection of motor buses.

Effective: July 1, 1998.

Simpson

(HOUSE SPONSORS — BALES, KRUZAN)

November 18, 1997, read first time and referred to Committee on Education.
January 15, 1998, reported favorably — Do Pass.
January 20, 1998, read second time, ordered engrossed. Engrossed.
January 22, 1998, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

January 29, 1998, read first time and referred to Committee on Education.
February 12, 1998, amended, reported — Do Pass.
February 18, 1998, read second time, amended, ordered engrossed.

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Reprinted
February 19, 1998

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

ENGROSSED SENATE BILL No. 4

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

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

1 SECTION 1. IC 8-2.1-25-6, AS ADDED BY P.L.86-1997,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 1998]: Sec. 6. (a) A motor bus has not been inspected and
4 does not meet the safety standards of this chapter unless the motor
5 carrier certifies to the state police department that the motor bus has:
6 (1) been inspected by:
7 (A) an employee of the motor carrier;
8 (B) an employee of the department; ~~or~~
9 **(C) an employee of a certified third party inspector; or**
10 ~~(C)~~ **(D)** another individual;
11 who meets the requirements of 49 CFR 396.19, is certified by the
12 Commercial Vehicle Safety Alliance, or is certified as a
13 commercial motor vehicle technician by Automotive Service
14 Excellence; and
15 (2) met the inspection requirements of the federal motor carrier
16 safety regulations and this chapter.

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1 (b) If the department determines that a motor carrier is not capable
 2 of carrying out an inspection under subsection (a), the state police
 3 department may:

- 4 (1) inspect a motor bus of the motor carrier; or
 5 (2) request a compliance review of the safety management of the
 6 motor carrier by the Federal Highway Administration, if the
 7 carrier is an interstate carrier, or the motor carrier division of the
 8 state police department, if the carrier is an intrastate carrier.

9 (c) Before a motor bus that has been out of service due to safety
 10 violations may return to service, the state police department may
 11 require a motor carrier to present the bus for inspection if the safety
 12 violations were so severe as to call into question the maintenance
 13 capability of the carrier. Upon notification by the carrier to the state
 14 police department that the motor bus is ready to return to service, the
 15 state police department may inspect the bus not more than two (2)
 16 business days following the notification by the carrier. If the state
 17 police department does not inspect the bus within two (2) business days
 18 following the notification by the carrier, the carrier must have the bus
 19 inspected by:

- 20 (1) an employee of the motor carrier;
 21 (2) an employee of the department; ~~or~~
 22 **(3) an employee of a certified third party inspector; or**
 23 ~~(3)~~ **(4) another individual;**

24 who meets the requirements of 49 CFR 396.19, is certified by the
 25 Commercial Vehicle Safety Alliance, or is certified as a commercial
 26 motor vehicle technician by Automotive Service Excellence.

27 (d) If a motor bus is found in operation without correction of the
 28 safety violations that caused it to be placed out of service, the state
 29 police department shall immediately impound the bus and the state
 30 police department may request a compliance review of the safety
 31 management of the motor carrier by the Federal Highway
 32 Administration, if the carrier is an interstate carrier, or the motor carrier
 33 division of the state police department, if the carrier is an intrastate
 34 carrier.

35 (e) A motor carrier must notify a contractor for the use of a motor
 36 bus for an organizational activity of the following:

- 37 (1) That the carrier will provide a motor bus that has been
 38 inspected and meets federal safety inspection standards.
 39 (2) The method by which the motor bus was inspected, whether
 40 the method was self-inspection, state police department
 41 inspection, or third-party inspection.
 42 (3) That the contractor may call a toll free number to notify the



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1 Indiana state police if the contractor has concerns about
 2 operational safety problems during the trip or has reason to
 3 believe that the motor bus is being operated in need of repair in
 4 violation of federal motor safety regulations.

5 (f) The department must establish or maintain a toll free number
 6 that a contractor described under subsection (e) may call to notify the
 7 state police department about concerns regarding motor bus safety.

8 SECTION 2. IC 8-2.1-25-8 IS ADDED TO THE INDIANA CODE
 9 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
 10 1, 1998]: **Sec. 8. The state police department may adopt rules under**
 11 **IC 4-22-2 to establish a certification program for third party**
 12 **inspection of motor buses.**

13 SECTION 3. IC 20-9.1-3-1, AS AMENDED BY P.L.155-1997,
 14 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 1998]: Sec. 1. (a) A person may not drive a school bus for the
 16 transportation of school children or be employed as a school bus
 17 monitor unless the person satisfies the following requirements:

- 18 (1) Is of good moral character.
- 19 (2) Does not use intoxicating liquor during school hours.
- 20 (3) Does not use intoxicating liquor to excess at any time.
- 21 (4) Is not addicted to any narcotic drug.
- 22 (5) Is at least:
 - 23 (A) twenty-one (21) years of age **for driving a school bus; or**
 - 24 (B) **eighteen (18) years of age for employment as a school**
 - 25 **bus monitor.**
- 26 (6) Holds a valid public passenger chauffeur's license or
 27 commercial driver's license issued by the state of Indiana or any
 28 other state.
- 29 (7) Possesses the following required physical characteristics:
 - 30 (A) Sufficient physical ability to drive a school bus.
 - 31 (B) Possession and full normal use of both hands, both arms,
 32 both feet, both legs, both eyes, and both ears.
 - 33 (C) Freedom from any communicable disease.
 - 34 (D) Freedom from any mental, nervous, organic, or functional
 35 disease which might impair the person's ability to properly
 36 operate a school bus.
 - 37 (E) Visual acuity, with or without glasses, of at least 20/40 in
 38 each eye and a field of vision with 150 degree minimum and
 39 with depth perception of at least 80%.

40 However, ~~subdivisions subdivision~~ (6) ~~and (7)~~ **do does** not apply to the
 41 employment of a school bus monitor.

42 (b) **This subsection applies to school bus monitors.**



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1 **Notwithstanding subsection (a)(5)(B), a school corporation or**
2 **school bus operator may not employ an individual who is less than**
3 **twenty-one (21) years of age as a school bus monitor unless the**
4 **school corporation or school bus operator does not receive a**
5 **sufficient number of qualified applicants for employment as school**
6 **bus monitors who are at least twenty-one (21) years of age. A**
7 **school corporation or school bus operator shall maintain a record**
8 **of applicants, their ages, and their qualifications to show**
9 **compliance with this subsection.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Education, to which was referred Senate Bill 4, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 4 as introduced.)

WEATHERWAX, Chairperson

Committee Vote: Yeas 10, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 4, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, after "1." insert: "(a)".

Page 2, after line 12, begin a new paragraph and insert:

"(b) This subsection applies to school bus monitors. Notwithstanding subsection (a)(5)(B), a school corporation or school bus operator may not employ an individual who is less than twenty-one (21) years of age as a school bus monitor unless the school corporation or school bus operator does not receive a sufficient number of qualified applicants for employment as school bus monitors who are at least twenty-one (21) years of age. A school corporation or school bus operator shall maintain a record of applicants, their ages, and their qualifications to show compliance with this subsection."

and when so amended that said bill do pass.

(Reference is to Senate Bill 4 as printed January 16, 1998.)

ROBERTSON, Chair

Committee Vote: yeas 12, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 4 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 8-2.1-25-6, AS ADDED BY P.L.86-1997, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 6. (a) A motor bus has not been inspected and does not meet the safety standards of this chapter unless the motor carrier certifies to the state police department that the motor bus has:

(1) been inspected by:

(A) an employee of the motor carrier;

(B) an employee of the department; ~~or~~

(C) an employee of a certified third party inspector; or

~~(D)~~ (D) another individual;

who meets the requirements of 49 CFR 396.19, is certified by the Commercial Vehicle Safety Alliance, or is certified as a commercial motor vehicle technician by Automotive Service Excellence; and

(2) met the inspection requirements of the federal motor carrier safety regulations and this chapter.

(b) If the department determines that a motor carrier is not capable of carrying out an inspection under subsection (a), the state police department may:

(1) inspect a motor bus of the motor carrier; or

(2) request a compliance review of the safety management of the motor carrier by the Federal Highway Administration, if the carrier is an interstate carrier, or the motor carrier division of the state police department, if the carrier is an intrastate carrier.

(c) Before a motor bus that has been out of service due to safety violations may return to service, the state police department may require a motor carrier to present the bus for inspection if the safety violations were so severe as to call into question the maintenance capability of the carrier. Upon notification by the carrier to the state police department that the motor bus is ready to return to service, the state police department may inspect the bus not more than two (2) business days following the notification by the carrier. If the state police department does not inspect the bus within two (2) business days following the notification by the carrier, the carrier must have the bus inspected by:

(1) an employee of the motor carrier;

(2) an employee of the department; ~~or~~

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(3) an employee of a certified third party inspector; or

~~(3)~~ **(4) another individual;**

who meets the requirements of 49 CFR 396.19, is certified by the Commercial Vehicle Safety Alliance, or is certified as a commercial motor vehicle technician by Automotive Service Excellence.

(d) If a motor bus is found in operation without correction of the safety violations that caused it to be placed out of service, the state police department shall immediately impound the bus and the state police department may request a compliance review of the safety management of the motor carrier by the Federal Highway Administration, if the carrier is an interstate carrier, or the motor carrier division of the state police department, if the carrier is an intrastate carrier.

(e) A motor carrier must notify a contractor for the use of a motor bus for an organizational activity of the following:

(1) That the carrier will provide a motor bus that has been inspected and meets federal safety inspection standards.

(2) The method by which the motor bus was inspected, whether the method was self-inspection, state police department inspection, or third-party inspection.

(3) That the contractor may call a toll free number to notify the Indiana state police if the contractor has concerns about operational safety problems during the trip or has reason to believe that the motor bus is being operated in need of repair in violation of federal motor safety regulations.

(f) The department must establish or maintain a toll free number that a contractor described under subsection (e) may call to notify the state police department about concerns regarding motor bus safety.

SECTION 2. IC 8-2.1-25-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: **Sec. 8. The state police department may adopt rules under IC 4-22-2 to establish a certification program for third party inspection of motor buses."**

Renumber all SECTIONS consecutively.

(Reference is to Engrossed Senate Bill 4 as printed February 13, 1998.)

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