

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

**MR. SPEAKER:**

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

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 8-2.1-25-6, AS ADDED BY P.L.86-1997,
- 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 1998]: Sec. 6. (a) A motor bus has not been inspected and
- 6 does not meet the safety standards of this chapter unless the motor
- 7 carrier certifies to the state police department that the motor bus has:
- 8 (1) been inspected by:
- 9 (A) an employee of the motor carrier;
- 10 (B) an employee of the department; or
- 11 (C) **an employee of a certified third party inspector; or**
- 12 ~~(D)~~ **(D)** another individual;
- 13 who meets the requirements of 49 CFR 396.19, is certified by
- 14 the Commercial Vehicle Safety Alliance, or is certified as a
- 15 commercial motor vehicle technician by Automotive Service
- 16 Excellence; and
- 17 (2) met the inspection requirements of the federal motor carrier
- 18 safety regulations and this chapter.
- 19 (b) If the department determines that a motor carrier is not capable
- 20 of carrying out an inspection under subsection (a), the state police
- 21 department may:
- 22 (1) inspect a motor bus of the motor carrier; or
- 23 (2) request a compliance review of the safety management of the
- 24 motor carrier by the Federal Highway Administration, if the
- 25 carrier is an interstate carrier, or the motor carrier division of the
- 26 state police department, if the carrier is an intrastate carrier.

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

- 12 (1) an employee of the motor carrier;  
13 (2) an employee of the department; ~~or~~  
14 **(3) an employee of a certified third party inspector; or**  
15 ~~(3)~~ **(4) another individual;**

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

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

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

- 29 (1) That the carrier will provide a motor bus that has been  
30 inspected and meets federal safety inspection standards.  
31 (2) The method by which the motor bus was inspected, whether  
32 the method was self-inspection, state police department  
33 inspection, or third-party inspection.  
34 (3) That the contractor may call a toll free number to notify the  
35 Indiana state police if the contractor has concerns about  
36 operational safety problems during the trip or has reason to  
37 believe that the motor bus is being operated in need of repair in  
38 violation of federal motor safety regulations.

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

42 SECTION 2. IC 8-2.1-25-8 IS ADDED TO THE INDIANA CODE  
43 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
44 1, 1998]: **Sec. 8. The state police department may adopt rules under  
45 IC 4-22-2 to establish a certification program for third party  
46 inspection of motor buses."**

47 Renumber all SECTIONS consecutively.

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

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Representative PORTER