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## ENGROSSED HOUSE BILL No. 1260

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DIGEST OF HB 1260 (Updated February 23, 1998 9:50 pm - DI 44)

**Citations Affected:** IC 9-13; IC 20-9.1.

**Synopsis:** School buses. Provides that the definition of "school" for the purposes of traffic regulations concerning school buses includes preschool. Includes project headstart as a school for purposes of the definition of "school bus" as it applies to the regulation of traffic. Provides that a person who drives a school bus must: (1) have sufficient physical ability to be a school bus driver, as determined by the state school bus committee; and (2) be free from any communicable disease that is transmitted through airborne or droplet means or that requires isolation of the infected person. Requires the state school bus committee to adopt rules to prescribe performance standards and measurements for determining the physical ability necessary for a person to be a school bus driver.

**Effective:** July 1, 1998.

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### Leuck, Cook, Ripley

(SENATE SPONSORS — WOLF, LANDSKE)

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January 13, 1998, read first time and referred to Committee on Education.  
January 14, 1998, reassigned to the Committee on Roads and Transportation.  
January 27, 1998, amended, reported — Do Pass.  
February 2, 1998, read second time, amended, ordered engrossed.  
February 3, 1998, engrossed. Read third time, recommitted to a Committee of One, amended, passed. Yeas 90, nays 8. Engrossed.

SENATE ACTION

February 12, 1998, read first time and referred to Committee on Public Policy.  
February 19, 1998, amended, reported favorably — Do Pass.  
February 23, 1998, read second time, amended, ordered engrossed.

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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.

## HOUSE ENROLLED ACT No. 1260

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AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 9-13-2-161 IS AMENDED TO READ AS FOLLOWS: Sec. 161. (a) "School bus" means, except as provided in subsection (b), a bus, hack, conveyance, or motor vehicle used to transport school children to and from school and to and from school athletic games or contests or other school functions. The term does not include a privately owned automobile with a capacity of not more than five (5) passengers that is used for the purpose of transporting school children to and from school.

(b) "School bus", for purposes of IC 9-21, means a motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school, **including project headstart**, or privately owned and operated for compensation for the transportation of children to and from ~~school~~: **school, including project headstart**.

SECTION 2. IC 20-5-2-7, AS ADDED BY P.L.155-1997, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 7. (a) A school corporation shall adopt a policy concerning criminal history information for individuals who:

(1) apply for:

(A) noncertificated employment with the school corporation;

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or

(B) employment with an entity with which the school corporation contracts for services; or

(2) seek to enter into a contract to provide services to the school corporation;

if the individuals are likely to have direct, ongoing contact with children within the scope of the individuals' employment.

(b) A school corporation shall administer a policy adopted under this section uniformly for all individuals to whom the policy applies. A policy adopted under this section may require any of the following:

(1) The school corporation may request limited criminal history information concerning each applicant for noncertificated employment from a local or state law enforcement agency before or not later than three (3) months after the applicant's employment by the school corporation.

(2) Each individual hired for noncertificated employment may be required at the time the individual is hired to submit a certified copy of the individual's limited criminal history (as defined in IC 5-2-5-1(1)) to the school corporation.

(3) Each individual hired for noncertificated employment may be required at the time the individual is hired to:

(A) submit ~~the individual's fingerprints~~ **a request** to the Indiana central repository for **limited** criminal history information under IC 5-2-5;

(B) obtain a copy of the individual's limited criminal history; and

(C) submit to the school corporation the individual's limited criminal history and a document verifying a disposition (as defined in IC 5-2-5-1(6)) that does not appear on the limited criminal history.

(4) Each applicant for noncertificated employment may be required at the time the individual applies to answer questions concerning the individual's limited criminal history. The failure to answer honestly questions asked under this subdivision is grounds for termination of the noncertificated employee's employment.

(c) If an individual is required to obtain a limited criminal history under this section, the individual is responsible for all costs associated with obtaining the limited criminal history.

(d) Information obtained under this section must be used in accordance with IC 5-2-5-6.

SECTION 3. IC 20-6.1-3-7.1, AS ADDED BY P.L.155-1997,

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SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 7.1. (a) As used in this section, "applicant" refers to an applicant for:

- (1) a new license;
- (2) a renewal license; or
- (3) a substitute teacher certificate;

issued by the board.

(b) As used in this section, "limited criminal history" has the meaning set forth in IC 5-2-5-1(1).

(c) As used in this section, "disposition" has the meaning set forth in IC 5-2-5-1(6).

(d) An applicant must do the following:

- (1) Submit ~~the applicant's fingerprints~~ **a request** to the Indiana central repository for **limited** criminal history information under IC 5-2-5.
- (2) Obtain a copy of the limited criminal history for the applicant from the repository's records.
- (3) Submit to the board the limited criminal history for the applicant.
- (4) Submit to the board a document verifying a disposition that does not appear on the limited criminal history for the applicant.

(e) The board may deny the issuance of a license or certificate to an applicant who is convicted of an offense for which the individual's license may be revoked or suspended under this chapter.

(f) The board must use the information obtained under this section in accordance with IC 5-2-5-6.

(g) An applicant is responsible for all costs associated with meeting the requirements of this section.

SECTION 4. IC 20-9.1-3-1, AS AMENDED BY SEA 4-1998, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. (a) A person may not drive a school bus for the transportation of school children or be employed as a school bus monitor unless the person satisfies the following requirements:

- (1) Is of good moral character.
- (2) Does not use intoxicating liquor during school hours.
- (3) Does not use intoxicating liquor to excess at any time.
- (4) Is not addicted to any narcotic drug.
- (5) Is at least:
  - (A) twenty-one (21) years of age for driving a school bus; or
  - (B) eighteen (18) years of age for employment as a school bus monitor.
- (6) Holds a valid public passenger chauffeur's license or



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commercial driver's license issued by the state of Indiana or any other state.

- (7) Possesses the following required physical characteristics:
- (A) Sufficient physical ability to ~~drive~~ **be a school bus driver, as determined by the state school bus committee (IC 20-9.1-4-1).**
  - (B) Possession and full normal use of both hands, both arms, both feet, both legs, both eyes, and both ears.
  - (C) Freedom from any communicable disease **that:**
    - (i) **may be transmitted through airborne or droplet means; or**
    - (ii) **requires isolation of the infected person under 410 IAC 1-2.1.**
  - (D) Freedom from any mental, nervous, organic, or functional disease which might impair the person's ability to properly operate a school bus.
  - (E) Visual acuity, with or without glasses, of at least 20/40 in each eye and a field of vision with 150 degree minimum and with depth perception of at least 80%.

However, subdivision (6) does not apply to the employment of a school bus monitor.

(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.

SECTION 5. IC 20-9.1-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. (a) The state school bus committee has the following powers:

- (1) It may prescribe, by rules adopted under IC 4-22-2, standards for the construction of school buses, including minimum standards for the construction of school buses necessary to be issued a:
  - (A) valid certificate of inspection decal; and
  - (B) temporary certificate of inspection decal described in section 5.1 of this chapter.
- (2) It may prescribe, by rules adopted under IC 4-22-2, standards for the equipment of school buses, including minimum standards



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for the equipment of school buses necessary to be issued a:

- (A) valid certificate of inspection decal; and
  - (B) temporary certificate of inspection decal described in section 5.1 of this chapter.
- (3) It may specify by rules adopted under IC 4-22-2 the particular minimum standards that are required to be met to avoid the issuance of an out-of-service certificate of inspection decal.
- (4) It may provide for the inspection of all school buses, new or old, which are offered for sale, lease or contract.
- (5) It may provide for the annual inspection of all school buses and the issuance of certificate of inspection decals.
- (6) It may maintain an approved list of school buses which have passed inspection tests under subdivisions (4) or (5).
- (7) It may, subject to approval by the state board of accounts, prescribe standard forms for school bus contracts.
- (8) It may hear appeals brought under section 7 of this chapter.

**(b) The state school bus committee shall adopt rules under IC 4-22-2 to prescribe performance standards and measurements for determining the physical ability necessary for a person to be a school bus driver.**

(c) The certificate of inspection decals shall be issued to correspond with each school year. Each certificate of inspection decal expires on September 30 following the school year in which the certificate of inspection decal is effective. However, for buses that are described in section 5(g) of this chapter, the certificate of inspection decal expires on a date that is not later than seven (7) months after the date of the first inspection for the particular school year.

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