

January 28, 1998

SENATE BILL No. 414

DIGEST OF SB0414 (Updated January 27, 1998 11:46 am - DI 71)

Citations Affected: IC 8-2.1-25-6; IC 8-2.1-25-8.

Synopsis: Commercial bus inspections. Allows a motor bus to be inspected by an employee of a certified third party inspector for the purposes of meeting the safety standards concerning the transportation of individuals to or from an organizational activity. Allows the state police department to adopt rules to establish a third party certification program for the inspection of motor buses used to transport individuals to or from organizational activities.

Effective: July 1, 1998.

Lubbers

January 13, 1998, read first time and referred to Committee on Public Policy.
January 27, 1998, reported favorably — Do Pass.

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January 28, 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.

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SENATE BILL No. 414



A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

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 ~~(D)~~ (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.
17 (b) If the department determines that a motor carrier is not capable

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1 of carrying out an inspection under subsection (a), the state police
2 department may:

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

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

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

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

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

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

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



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1 operational safety problems during the trip or has reason to
2 believe that the motor bus is being operated in need of repair in
3 violation of federal motor safety regulations.
4 (f) The department must establish or maintain a toll free number
5 that a contractor described under subsection (e) may call to notify the
6 state police department about concerns regarding motor bus safety.
7 SECTION 2. IC 8-2.1-25-8 IS ADDED TO THE INDIANA CODE
8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
9 1, 1998]: **Sec. 8. The state police department may adopt rules under**
10 **IC 4-22-2 to establish a certification program for third party**
11 **inspection of motor buses.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Public Policy, to which was referred Senate Bill 414, 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 414 as introduced.)

DEMPSEY, Chairperson

Committee Vote: Yeas 6, Nays 0.

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