
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.

SEA 4—Concur+



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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.

SENATE ENROLLED ACT No. 4

AN ACT to amend the Indiana Code concerning education.

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

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

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(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~~
- (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.



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(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.**

SECTION 3. IC 20-9.1-3-1, AS AMENDED BY P.L.155-1997, SECTION 5, 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 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 a school bus.
 - (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.
 - (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, ~~subdivisions~~ **subdivision (6) and (7) do** 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



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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.

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