

SENATE BILL No. 69

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-9.1.

Synopsis: School bus driver certification by a physician. Provides that a physician licensed in any state may certify that a bidder for a transportation contract, a school bus driver, or a prospective school bus driver meets the physical requirements established by law. Allows a person who is being prosecuted for using a controlled substance while operating a school bus to use as a defense that the controlled substance was consumed or possessed in accordance with a medical prescription issued by a physician licensed in any state.

Effective: Upon passage.

Nugent

January 7, 2003, read first time and referred to Committee on Criminal, Civil and Public Policy.

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First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

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SENATE BILL No. 69



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 20-9.1-1-10 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. ~~Definition;~~
- 3 "~~Indiana Physician~~". As used in this article, the term "~~Indiana~~
- 4 "physician" means any individual who holds ~~an a~~ **valid** unlimited
- 5 license to practice medicine in ~~Indiana;~~ **any state in the United States.**
- 6 SECTION 2. IC 20-9.1-2-10 IS AMENDED TO READ AS
- 7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. ~~(a)~~ Before a
- 8 bidder may be awarded a contract, the bidder for a transportation
- 9 contract must meet the following prerequisites:
- 10 (1) The bidder must meet the physical requirements prescribed in
- 11 ~~IC 1971, 20-9.1-3-1~~ **IC 20-9.1-3-1** as evidenced by a certificate
- 12 signed by ~~an Indiana~~ **a** physician who has examined the bidder.
- 13 (2) The bidder must have ~~been issued~~ a valid public passenger
- 14 chauffeur's license or commercial driver's license issued by the
- 15 bureau of motor vehicles.
- 16 SECTION 3. IC 20-9.1-3-1.6 IS AMENDED TO READ AS
- 17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.6. (a) As used in



1 this section, "controlled substance" has the meaning set forth in
2 IC 35-48-1.

3 (b) A person who is a school bus driver and who knowingly and
4 intentionally:

5 (1) consumes a controlled substance or intoxicating liquor within
6 six (6) hours before:

7 (A) going on duty; or

8 (B) operating a school bus; or

9 (2) consumes or possesses a controlled substance or intoxicating
10 liquor while on duty or while operating a school bus;

11 commits a Class A misdemeanor.

12 (c) It is a defense in a prosecution under this section if a controlled
13 substance is consumed or possessed in accordance with a medical
14 prescription issued by a physician ~~licensed under IC 25-22.5~~ to the
15 person who consumes or possesses the controlled substance.

16 SECTION 4. IC 20-9.1-3-2 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. ~~School Bus~~
18 ~~Drivers, Physical Fitness Certificate~~. Every person who is or intends to
19 become a school bus driver shall obtain a certificate that ~~he the person~~
20 possesses the physical characteristics required by section ~~4(g) 1~~ of this
21 chapter. The certificate shall be made by ~~an Indiana~~ a physician after
22 the physician has conducted a physical examination of the driver or
23 prospective driver. The ~~physician shall be chosen by the~~ driver or
24 prospective driver ~~who~~ shall:

25 (1) **choose the physician; and**

26 (2) pay for the examination.

27 SECTION 5. IC 20-9.1-3-4 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. ~~School Bus~~
29 ~~Drivers, Additional Physical Examinations~~. A governing body may, at
30 any time, require any driver operating a school bus for its school
31 corporation to submit to a physical examination by a ~~licensed Indiana~~
32 physician selected by the corporation. The school corporation shall pay
33 the cost of an examination under this section.

34 SECTION 6. **An emergency is declared for this act.**

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