
HOUSE BILL No. 1403

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2; IC 9-19; IC 20-20-40; IC 20-27.

Synopsis: Lap and shoulder safety belts on school buses. Provides that a school bus or special purpose bus: (1) placed into operation after June 30, 2013, that is used to transport elementary school or high school students must be equipped with a 3-point lap and shoulder safety belt (safety belt) at each seating location; and (2) after June 30, 2018, must be equipped with a safety belt at each seating location. Requires the state school bus committee to adopt rules for the design, installation, and use of safety belt systems that must be installed in school buses and special purpose buses. Provides for an exception to the laws concerning other types of passenger restraint systems. Requires each occupant of a school bus or special purpose bus that has a safety belt to have the safety belt properly fastened about the occupant's body at all times when the bus is in motion. Establishes the safety belt revolving loan fund (fund). Requires the department of education to establish a revolving loan program to provide loans from the fund to school corporations to assist school corporations in paying expenses necessary to comply with requirements concerning safety belts on school buses and special purpose buses. Appropriates \$10,000,000 to the fund from the state general fund. Makes conforming amendments.

Effective: July 1, 2013.

Bartlett

January 22, 2013, read first time and referred to Committee on Education.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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HOUSE BILL No. 1403



A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

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

1 SECTION 1. IC 9-13-2-112.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2013]: **Sec. 112.5. "Nonpublic school" has the**
4 **meaning set forth in IC 20-18-2-12.**

5 SECTION 2. IC 9-13-2-161, AS AMENDED BY P.L.146-2009,
6 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2013]: Sec. 161. (a) "School bus" means, except as provided
8 in subsections (b), ~~and~~ (c), **and (d)**, a:

- 9 (1) bus;
- 10 (2) hack;
- 11 (3) conveyance;
- 12 (4) commercial motor vehicle; or
- 13 (5) motor vehicle;

14 used to transport preschool, elementary, or secondary school children
15 to and from school and to and from school athletic games or contests
16 or other school functions. The term does not include a privately owned
17 automobile with a capacity of not more than five (5) passengers that is



1 used for the purpose of transporting school children to and from school.

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

8 (c) "School bus", for purposes of IC 9-19-11-1(1), means a motor
9 vehicle:

10 (1) that meets the federal school bus safety requirements under 49
11 U.S.C. 30125; or

12 (2) that meets the federal school bus safety requirements under 49
13 U.S.C. 30125 except the:

14 (A) stop signal arm required under federal motor vehicle
15 safety standard (FMVSS) no. 131; and

16 (B) flashing lamps required under federal motor vehicle safety
17 standard (FMVSS) no. 108.

18 **(d) "School bus", for purposes of IC 9-19, except as provided in**
19 **subsection (c), means a:**

20 **(1) bus;**

21 **(2) hack;**

22 **(3) conveyance;**

23 **(4) commercial motor vehicle; or**

24 **(5) motor vehicle;**

25 **used to transport elementary school (as defined in IC 20-18-2-4) or**
26 **high school (as defined in IC 20-18-2-7) students, or students in any**
27 **combination of grades included in IC 20-18-2-4 and IC 20-18-2-7,**
28 **to and from school and to and from school athletic games or**
29 **contests or other school functions. The term does not include a**
30 **privately owned automobile with a capacity of not more than five**
31 **(5) passengers that is used for the purpose of transporting school**
32 **children to and from school.**

33 SECTION 3. IC 9-13-2-170.7, AS ADDED BY P.L.107-2006,
34 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2013]: Sec. 170.7. **(a) "Special purpose bus" has the meaning**
36 **set forth in IC 20-27-2-10. means, except as provided in subsection**
37 **(b), a motor vehicle:**

38 **(1) that is designed and constructed for the accommodation of**
39 **more than ten (10) passengers;**

40 **(2) that:**

41 **(A) meets the federal school bus safety requirements under**
42 **49 U.S.C. 30125 except the:**

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1 (i) stop signal arm required under federal motor vehicle
2 safety standard (FMVSS) no. 131; and
3 (ii) flashing lamps required under federal motor vehicle
4 safety standard (FMVSS) no. 108;
5 (B) when owned by a school corporation and used to
6 transport students, complies with the Federal Motor
7 Carrier Safety Regulations as prescribed by the United
8 States Department of Transportation Federal Motor
9 Carrier Safety Administration as set forth in 49 CFR
10 Chapter III Subchapter B; or
11 (C) when owned by a school corporation and used to
12 transport students, is a motor coach type bus with a
13 capacity of at least thirty (30) passengers and a gross
14 vehicle weight rating greater than twenty-six thousand
15 (26,000) pounds; and
16 (3) that is used by a school corporation for transportation
17 purposes appropriate under IC 20-27-9-5.
18 (b) "Special purpose bus", for purposes of IC 9-19, means a
19 motor vehicle:
20 (1) that is designed and constructed for the accommodation of
21 more than ten (10) passengers;
22 (2) that:
23 (A) meets the federal school bus safety requirements under
24 49 U.S.C. 30125 except the:
25 (i) stop signal arm required under federal motor vehicle
26 safety standard (FMVSS) no. 131; and
27 (ii) flashing lamps required under federal motor vehicle
28 safety standard (FMVSS) no. 108;
29 (B) when used to transport students, complies with the
30 Federal Motor Carrier Safety Regulations as prescribed by
31 the United States Department of Transportation Federal
32 Motor Carrier Safety Administration as set forth in 49
33 CFR Chapter III Subchapter B; or
34 (C) when used to transport students, is a motor coach type
35 bus with a capacity of at least thirty (30) passengers and a
36 gross vehicle weight rating greater than twenty-six
37 thousand (26,000) pounds; and
38 (3) that is used by a school corporation or a nonpublic school
39 for transportation purposes.
40 SECTION 4. IC 9-19-10-1, AS AMENDED BY P.L.214-2007,
41 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2013]: Sec. 1. This chapter does not apply to an occupant of

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1 a motor vehicle who meets any of the following conditions:

2 (1) For medical reasons should not wear safety belts, provided the
3 occupant has written documentation of the medical reasons from
4 a physician.

5 (2) Is a child required to be restrained by a child restraint system
6 under IC 9-19-11 **or a lap and shoulder safety belt under**
7 **IC 9-19-13.**

8 (3) Is traveling in a commercial or a United States Postal Service
9 vehicle that makes frequent stops for the purpose of pickup or
10 delivery of goods or services.

11 (4) Is a rural carrier of the United States Postal Service and is
12 operating a vehicle while serving a rural postal route.

13 (5) Is a newspaper motor route carrier or newspaper bundle hauler
14 who stops to make deliveries from a vehicle.

15 (6) Is a driver examiner designated and appointed under
16 IC 9-14-2-3 and is conducting an examination of an applicant for
17 a permit or license under IC 9-24-10.

18 (7) Is an occupant of a farm truck being used on a farm in
19 connection with agricultural pursuits that are usual and normal to
20 the farming operation, as set forth in IC 9-29-5-13(b)(2).

21 (8) Is an occupant of a motor vehicle participating in a parade.

22 (9) Is an occupant of the living quarters area of a recreational
23 vehicle.

24 (10) Is an occupant of the treatment area of an ambulance (as
25 defined in IC 16-18-2-13).

26 (11) Is an occupant of the sleeping area of a tractor.

27 (12) Is an occupant other than the operator of a vehicle described
28 in IC 9-20-11-1(1).

29 (13) Is an occupant other than the operator of a truck on a
30 construction site.

31 (14) Is a passenger other than the operator in a cab of a Class A
32 recovery vehicle or a Class B recovery vehicle who is being
33 transported in the cab because the motor vehicle of the passenger
34 is being towed by the recovery vehicle.

35 (15) Is an occupant other than the operator of a motor vehicle
36 being used by a public utility in an emergency as set forth in
37 IC 9-20-6-5.

38 SECTION 5. IC 9-19-11-1, AS AMENDED BY P.L.24-2006,
39 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2013]: Sec. 1. This chapter does not apply to a person who
41 operates any of the following vehicles:

42 (1) A school bus **or a special purpose bus.**

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- 1 (2) A taxicab.
- 2 (3) An ambulance.
- 3 (4) A public passenger bus.
- 4 (5) A motor vehicle having a seating capacity greater than nine
- 5 (9) individuals that is owned or leased and operated by a religious
- 6 or not-for-profit youth organization.
- 7 (6) An antique motor vehicle.
- 8 (7) A motorcycle.
- 9 (8) A motor vehicle that is owned or leased by a governmental
- 10 unit and is being used in the performance of official law
- 11 enforcement duties.
- 12 (9) A motor vehicle that is being used in an emergency.
- 13 (10) A motor vehicle that is funeral equipment used in the
- 14 operation of funeral services when used in:
 - 15 (A) a funeral procession;
 - 16 (B) the return trip to a funeral home (as defined in
 - 17 IC 25-15-2-15); or
 - 18 (C) both the funeral procession and return trip.

19 SECTION 6. IC 9-19-13-3.5 IS ADDED TO THE INDIANA CODE
 20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 21 1, 2013]: **Sec. 3.5. (a) A school bus or special purpose bus placed**
 22 **into operation after June 30, 2013, that is used to transport**
 23 **elementary school (as defined in IC 20-18-2-4) or high school (as**
 24 **defined in IC 20-18-2-7) students, or students in any combination**
 25 **of grades included in IC 20-18-2-4 and IC 20-18-2-7, must be**
 26 **equipped with a 3-point lap and shoulder safety belt at each seating**
 27 **location. The safety belt installation and safety belt and anchor**
 28 **must meet the specifications of the Society of Automotive**
 29 **Engineers.**

30 (b) After June 30, 2018, a school bus or special purpose bus that
 31 is used to transport elementary school (as defined in IC 20-18-2-4)
 32 or high school (as defined in IC 20-18-2-7) students, or students in
 33 any combination of grades included in IC 20-18-2-4 and
 34 IC 20-18-2-7, must be equipped with a 3-point lap and shoulder
 35 safety belt at each seating location. The safety belt installation and
 36 safety belt and anchor must meet the specifications of the Society
 37 of Automotive Engineers.

38 (c) A school corporation or a nonpublic school that violates
 39 subsection (a) or (b) commits a Class C infraction.

40 SECTION 7. IC 9-19-13-5.5 IS ADDED TO THE INDIANA CODE
 41 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 42 1, 2013]: **Sec. 5.5. (a) Each occupant of a school bus or special**

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1 purpose bus that has a 3-point lap and shoulder safety belt
 2 installed at each seating location in accordance with section 3.5 of
 3 this chapter shall have the lap and shoulder safety belt properly
 4 fastened about the occupant's body at all times when the bus is in
 5 motion.

6 (b) A school corporation, nonpublic school, or owner of a school
 7 bus or special purpose bus, including a school bus or special
 8 purpose bus operated under a fleet or transportation contract, that
 9 suffers, authorizes, or permits a violation of subsection (a) commits
 10 a Class C infraction.

11 SECTION 8. IC 20-20-40 IS ADDED TO THE INDIANA CODE
 12 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2013]:

14 **Chapter 40. Safety Belt Revolving Loan Fund**

15 **Sec. 1.** As used in this chapter, "fund" refers to the safety belt
 16 revolving loan fund.

17 **Sec. 2. (a)** The safety belt revolving loan fund is established for
 18 the purposes of this chapter. The department shall administer the
 19 fund.

20 (b) The department shall pay the expenses of administering the
 21 fund.

22 (c) The treasurer of state shall invest the money in the fund not
 23 currently needed to meet the obligations of the fund in the same
 24 manner as other public funds may be invested. Interest that
 25 accrues from these investments shall be deposited in the fund.

26 (d) Money in the fund at the end of a state fiscal year does not
 27 revert to the state general fund.

28 (e) Money in the fund is continuously appropriated for the
 29 purposes of this chapter.

30 **Sec. 3. (a)** The department shall establish a revolving loan
 31 program to provide loans from the fund to school corporations to
 32 assist school corporations in paying expenses necessary to comply
 33 with the requirements under IC 9-19-13-3.5 concerning safety belts
 34 on school buses and special purpose buses.

35 (b) The department shall establish the following:

36 (1) Standards of eligibility.

37 (2) The maximum amount of a loan that may be awarded to
 38 a school corporation.

39 (3) Application procedures.

40 (4) Any local matching funds that are required.

41 (5) The interest rate, duration, repayment schedule, and other
 42 terms and conditions of a loan.

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1 **(6) Any other provisions necessary to administer the loan**
 2 **program.**

3 **(c) The department shall deposit repayments of principal and**
 4 **interest on loans in the fund to increase the amount that is**
 5 **available for new loans.**

6 **Sec. 4. A school corporation may use any source of revenue to**
 7 **repay a loan under this chapter, including money in the school**
 8 **corporation's school bus replacement fund, transportation fund, or**
 9 **capital projects fund.**

10 **Sec. 5. If a school corporation fails to make any repayments of**
 11 **a loan from the fund, the auditor of state shall withhold the**
 12 **repayment amount from any other money payable by the state to**
 13 **the school corporation. The amount withheld shall be transferred**
 14 **to the fund to the credit of the school corporation.**

15 SECTION 9. IC 20-27-3-4, AS AMENDED BY P.L.107-2006,
 16 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2013]: Sec. 4. (a) The committee has the following powers:

18 (1) The committee may adopt rules under IC 4-22-2 establishing
 19 standards for the construction of school buses and special purpose
 20 buses, including minimum standards for the construction of
 21 school buses and special purpose buses necessary to be issued a:

22 (A) valid certificate of inspection decal; and
 23 (B) temporary certificate of inspection decal described in
 24 IC 20-27-7-10.

25 (2) The committee may adopt rules under IC 4-22-2 establishing
 26 standards for the equipment of school buses and special purpose
 27 buses, including minimum standards for the equipment of school
 28 buses and special purpose buses necessary to be issued a:

29 (A) valid certificate of inspection decal; and
 30 (B) temporary certificate of inspection decal described in
 31 IC 20-27-7-10.

32 (3) The committee may adopt rules under IC 4-22-2 specifying
 33 the minimum standards that must be met to avoid the issuance of
 34 an out-of-service certificate of inspection decal.

35 (4) The committee may provide for the inspection of all school
 36 buses and special purpose buses, new or old, that are offered for
 37 sale, lease, or contract.

38 (5) The committee may provide for the annual inspection of all
 39 school buses and special purpose buses and the issuance of
 40 certificate of inspection decals.

41 (6) The committee may maintain an approved list of school buses
 42 and special purpose buses that have passed inspection tests under

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subdivision (4) or (5).

(7) The committee may, subject to approval by the state board of accounts, prescribe standard forms for school bus driver contracts.

(8) The committee may hear appeals brought under IC 20-27-7-15.

(9) The committee shall adopt rules under IC 4-22-2 for the design, installation, and use of 3-point lap and shoulder safety belt systems that must be installed in all school buses and special purpose buses that are first placed into operation by a school corporation after June 30, 2013, or used after June 30, 2018, in accordance with IC 9-19-13-3.5.

(b) The committee shall adopt rules under IC 4-22-2 to set performance standards and measurements for determining the physical ability necessary for an individual 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 IC 20-27-7-7, 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.

SECTION 10. IC 20-27-7-8, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. The inspection of a special purpose bus shall consist of an inspection to determine the existence and condition of the vehicle's:

- (1) brakes;
- (2) lights (headlamps, tail lamps, brake lights, clearance lights, and turn signals);
- (3) steering and suspension;
- (4) exhaust systems;
- (5) general body condition; ~~and~~
- (6) tires; **and**
- (7) **after June 30, 2013, 3-point lap and shoulder safety belt systems.**

SECTION 11. [EFFECTIVE JULY 1, 2013] **(a) There is appropriated to the safety belt revolving loan fund established by IC 20-20-40-2, as added by this act, ten million dollars (\$10,000,000) for the period beginning July 1, 2013, and ending June 30, 2015, from the state general fund to carry out the purposes of the safety belt revolving loan fund.**

(b) This SECTION expires July 1, 2015.

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