

# HOUSE BILL No. 1079

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-21; IC 9-30-2-2; IC 35-52-9-19.8.

**Synopsis:** School bus safety. Provides that a person who operates a vehicle and recklessly passes a school bus stopped on a roadway when the arm signal device is extended commits a Class A misdemeanor (rather than a Class B misdemeanor under current law). Provides that the offense is a Level 6 felony (rather than a Class A misdemeanor under current law) if it causes bodily injury. Provides that a person who knowingly or intentionally meets or overtakes from any direction a school bus stopped on a roadway when the arm signal device is extended or proceeds before the arm signal device is no longer extended commits a Class B misdemeanor (rather than a Class A infraction under current law).

**Effective:** July 1, 2019.

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January 3, 2019, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## HOUSE BILL No. 1079

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A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

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

1 SECTION 1. IC 9-21-8-52, AS AMENDED BY P.L.198-2016,  
2 SECTION 364, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2019]: Sec. 52. (a) A person who operates a  
4 vehicle and who recklessly:  
5 (1) drives at such an unreasonably high rate of speed or at such an  
6 unreasonably low rate of speed under the circumstances as to:  
7 (A) endanger the safety or the property of others; or  
8 (B) block the proper flow of traffic;  
9 (2) passes another vehicle from the rear while on a slope or on a  
10 curve where vision is obstructed for a distance of less than five  
11 hundred (500) feet ahead;  
12 (3) drives in and out of a line of traffic, except as otherwise  
13 permitted; or  
14 (4) speeds up or refuses to give one-half (1/2) of the roadway to  
15 a driver overtaking and desiring to pass;  
16 commits a Class C misdemeanor. However, the offense is a Class A  
17 misdemeanor if it causes bodily injury to a person.



1 (b) A person who operates a vehicle and who recklessly passes a  
 2 school bus stopped on a roadway when the arm signal device specified  
 3 in IC 9-21-12-13 is in the device's extended position commits a Class  
 4 ~~B A~~ misdemeanor. However, the offense is a ~~Class A misdemeanor~~  
 5 **Level 6 felony** if it causes bodily injury to a person.

6 (c) If an offense under subsection (a) or (b) results in damage to the  
 7 property of another person, it is a Class B misdemeanor and the court  
 8 may recommend the suspension of the current driving license of the  
 9 person convicted of the offense described in this subsection for a fixed  
 10 period of not more than one (1) year.

11 (d) If an offense under subsection (a) or (b) causes bodily injury to  
 12 a person, the court may recommend the suspension of the driving  
 13 privileges of the person convicted of the offense described in this  
 14 subsection for a fixed period of not more than one (1) year.

15 SECTION 2. IC 9-21-12-1, AS AMENDED BY P.L.217-2014,  
 16 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2019]: Sec. 1. (a) A person who **knowingly or intentionally**  
 18 drives a vehicle that:

19 (1) meets or overtakes from any direction a school bus stopped on  
 20 a roadway and is not stopped before reaching the school bus when  
 21 the arm signal device specified in IC 9-21-12-13 is in the device's  
 22 extended position; or

23 (2) proceeds before the arm signal device is no longer extended;  
 24 commits a ~~Class A infraction~~. **B misdemeanor.**

25 (b) This section is applicable only if the school bus is in substantial  
 26 compliance with the markings required by the state school bus  
 27 committee.

28 (c) There is a rebuttable presumption that the owner of the vehicle  
 29 involved in the violation of this section committed the violation. This  
 30 presumption does not apply to the owner of a vehicle involved in the  
 31 violation of this section if the owner routinely engages in the business  
 32 of renting the vehicle for periods of thirty (30) days or less.

33 SECTION 3. IC 9-30-2-2, AS AMENDED BY P.L.164-2018,  
 34 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2019]: Sec. 2. (a) Except as provided in subsection (b), a law  
 36 enforcement officer may not arrest or issue a traffic information and  
 37 summons to a person for a violation of an Indiana law regulating the  
 38 use and operation of a motor vehicle on a highway or an ordinance of  
 39 a city or town regulating the use and operation of a motor vehicle on a  
 40 highway unless at the time of the arrest the officer is:

41 (1) wearing a distinctive uniform and a badge of authority; or

42 (2) operating a motor vehicle that is clearly marked as a police



1           vehicle;  
 2           that will clearly show the officer or the officer's vehicle to casual  
 3           observations to be an officer or a police vehicle.  
 4           (b) Subsection (a) does not apply to an officer in an unmarked  
 5           police vehicle making an arrest or issuing a traffic information and  
 6           summons:  
 7           (1) when there is a uniformed officer present at the time of the  
 8           arrest; or  
 9           (2) for a violation of one (1) or more of the following:  
 10           (A) IC 9-21-8-52(a)(1)(A) (reckless driving causing  
 11           endangerment).  
 12           (B) IC 9-21-8-52(b) as a ~~Class A misdemeanor~~ **Level 6 felony**  
 13           (recklessly passing a stopped school bus resulting in bodily  
 14           injury).  
 15           (C) IC 9-30-5-2(b) as a Class A misdemeanor (operating while  
 16           intoxicated in a manner that endangers a person).  
 17           SECTION 4. IC 35-52-9-19.8 IS ADDED TO THE INDIANA  
 18           CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
 19           [EFFECTIVE JULY 1, 2019]: **Sec. 19.8. IC 9-21-12-1 defines a crime**  
 20           **concerning traffic regulation.**

