

# HOUSE BILL No. 1287

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-13-2; IC 9-19; IC 20-20-46; IC 20-27; IC 20-40-18-5.

**Synopsis:** Seat belts on school buses. Provides that a school bus or special purpose bus that is placed into operation after June 30, 2020, and 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. Provides that a school corporation, charter school, or nonpublic school that authorizes or permits a violation of the safety belt requirement commits a Class C infraction. 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 that the safety belt requirement is 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, and provides that a school corporation, charter school, or nonpublic school or an owner of a school bus or special purpose bus (including a school bus or special purpose bus operated under a fleet or transportation contract) that authorizes or permits a violation of this requirement commits a Class C infraction. 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, including charter schools, in paying expenses necessary to comply with requirements concerning safety belts on school buses and special purpose buses. Appropriates \$5,000,000 to the fund from the state general fund. Makes conforming amendments.

**Effective:** July 1, 2019.

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## Bartlett

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January 10, 2019, read first time and referred to Committee on Education.

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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. 1287

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, 2019]: **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.198-2016,  
6 SECTION 163, IS AMENDED TO READ AS FOLLOWS  
7 [EFFECTIVE JULY 1, 2019]: Sec. 161. (a) "School bus" means, except  
8 as provided in ~~subsection~~ **subsections (b) and (c)**, a bus used to  
9 transport preschool, elementary, or secondary school children to and  
10 from:

- 11 (1) school;
- 12 (2) school athletic games or contests; or
- 13 (3) other school functions.

14 (b) "School bus", for purposes of IC 9-21, means a motor vehicle  
15 owned by a public or governmental agency and operated for the  
16 transportation of children to or from school, including project  
17 headstart, or privately owned and operated for compensation for the



1 transportation of children to and from school, including project  
2 headstart.

3 (c) "School bus", for purposes of IC 9-19, means a:

- 4 (1) bus;  
5 (2) hack;  
6 (3) conveyance;  
7 (4) commercial motor vehicle; or  
8 (5) motor vehicle;

9 used to transport elementary school (as defined in IC 20-18-2-4) or  
10 high school (as defined in IC 20-18-2-7) students, or students in any  
11 combination of grades included under IC 20-18-2-4 and  
12 IC 20-18-2-7, to and from school or to and from school athletic  
13 games or contests or other school functions. The term does not  
14 include a privately owned motor vehicle with a capacity of not  
15 more than five (5) passengers that is used for the purpose of  
16 transporting school children to and from school.

17 SECTION 3. IC 9-13-2-161.1 IS ADDED TO THE INDIANA  
18 CODE AS A NEW SECTION TO READ AS FOLLOWS  
19 [EFFECTIVE JULY 1, 2019]: Sec. 161.1. "School corporation" has  
20 the meaning set forth in IC 36-1-2-17.

21 SECTION 4. IC 9-13-2-170.7, AS ADDED BY P.L.107-2006,  
22 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 JULY 1, 2019]: Sec. 170.7. (a) "Special purpose bus" has the meaning  
24 set forth in IC 20-27-2-10; means, except as provided in subsection  
25 (b), a motor vehicle:

- 26 (1) that is designed and constructed for the accommodation of  
27 more than ten (10) passengers;  
28 (2) that:  
29 (A) meets the federal school bus safety requirements under  
30 49 U.S.C. 30125, except the:  
31 (i) stop signal arm required under federal motor vehicle  
32 safety standard (FMVSS) no. 131; and  
33 (ii) flashing lamps required under federal motor vehicle  
34 safety standard (FMVSS) no. 108;  
35 (B) when owned by a school corporation and used to  
36 transport students, complies with the Federal Motor  
37 Carrier Safety Regulations as prescribed by the United  
38 States Department of Transportation Federal Motor  
39 Carrier Safety Administration as set forth in 49 CFR  
40 Chapter III Subchapter B; or  
41 (C) when owned by a school corporation and used to  
42 transport students, is a motor coach type bus with a



- 1           capacity of at least thirty (30) passengers and a gross  
2           vehicle weight rating greater than twenty-six thousand  
3           (26,000) pounds; and  
4           (3) that is used by a school corporation for transportation  
5           purposes appropriate under IC 20-27-9-5.  
6           (b) "Special purpose bus", for purposes of IC 9-19, means a  
7           motor vehicle:  
8           (1) that is designed and constructed for the accommodation of  
9           more than ten (10) passengers;  
10          (2) that:  
11           (A) meets the federal school bus safety requirements under  
12           49 U.S.C. 30125, except the:  
13           (i) stop signal arm required under federal motor vehicle  
14           safety standard (FMVSS) no. 131; and  
15           (ii) flashing lamps required under federal motor vehicle  
16           safety standard (FMVSS) no. 108;  
17           (B) when used to transport students, complies with the  
18           Federal Motor Carrier Safety Regulations as prescribed by  
19           the United States Department of Transportation Federal  
20           Motor Carrier Safety Administration as set forth in 49  
21           CFR Chapter III Subchapter B; or  
22           (C) when used to transport students, is a motor coach type  
23           bus with a capacity of at least thirty (30) passengers and a  
24           gross vehicle weight rating greater than twenty-six  
25           thousand (26,000) pounds; and  
26          (3) that is used for transportation purposes by:  
27           (A) a school corporation;  
28           (B) a charter school; or  
29           (C) a nonpublic school.  
30          SECTION 5. IC 9-19-10-1, AS AMENDED BY P.L.198-2016,  
31          SECTION 334, IS AMENDED TO READ AS FOLLOWS  
32          [EFFECTIVE JULY 1, 2019]: Sec. 1. This chapter does not apply to an  
33          occupant of a motor vehicle who meets any of the following conditions:  
34          (1) For medical reasons should not wear safety belts, provided the  
35          occupant has written documentation of the medical reasons from  
36          a physician.  
37          (2) Is a child required to be restrained by a child restraint system  
38          under IC 9-19-11 or a lap and shoulder safety belt under  
39          IC 9-19-13.  
40          (3) Is traveling in a commercial or a United States Postal Service  
41          vehicle that makes frequent stops for the purpose of pickup or  
42          delivery of goods or services.



- 1 (4) Is a rural carrier of the United States Postal Service and is  
 2 operating a vehicle while serving a rural postal route.  
 3 (5) Is a newspaper motor route carrier or newspaper bundle hauler  
 4 who stops to make deliveries from a vehicle.  
 5 (6) Is a driver examiner designated and appointed by the bureau  
 6 and is conducting an examination of an applicant for a permit or  
 7 license under IC 9-24-10.  
 8 (7) Is an occupant of a farm truck being used on a farm in  
 9 connection with agricultural pursuits that are usual and normal to  
 10 the farming operation.  
 11 (8) Is an occupant of a motor vehicle participating in a parade.  
 12 (9) Is an occupant of the living quarters area of a recreational  
 13 vehicle.  
 14 (10) Is an occupant of the treatment area of an ambulance (as  
 15 defined in IC 16-18-2-13).  
 16 (11) Is an occupant of the sleeping area of a tractor.  
 17 (12) Is an occupant other than the operator of a vehicle described  
 18 in IC 9-20-11-1(1).  
 19 (13) Is an occupant other than the operator of a truck on a  
 20 construction site.  
 21 (14) Is a passenger other than the operator in a cab of a recovery  
 22 vehicle who is being transported in the cab because the vehicle of  
 23 the passenger is being towed by the recovery vehicle.  
 24 (15) Is an occupant other than the operator of a motor vehicle  
 25 being used by a public utility in an emergency as set forth in  
 26 IC 9-20-6-5.
- 27 SECTION 6. IC 9-19-11-1, AS AMENDED BY P.L.164-2018,  
 28 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2019]: Sec. 1. This chapter does not apply to a person who  
 30 operates any of the following vehicles:  
 31 (1) A school bus **or special purpose bus.**  
 32 (2) A special purpose bus.  
 33 (3) A taxicab.  
 34 (4) A medical services vehicle.  
 35 (5) A bus, motorcycle, motor driven cycle, passenger motor  
 36 vehicle or truck that was originally manufactured without a safety  
 37 belt as a part of the standard equipment installed by the  
 38 manufacturer at each designated seating position, before the  
 39 requirement of the installation of safety belts in the motor vehicle  
 40 according to the standards stated in the Federal Motor Vehicle  
 41 Safety Standard Number 208 (49 CFR 571.208).  
 42 (6) A motor vehicle that is owned or leased by a governmental



1 unit and is being used in the performance of official law  
2 enforcement duties.

3 (7) A motor vehicle that is being used in an emergency.

4 (8) A motor vehicle that is funeral equipment used in the  
5 operation of funeral services when used in:

6 (A) a funeral procession;

7 (B) the return trip to a funeral home (as defined in  
8 IC 25-15-2-15); or

9 (C) both the funeral procession and return trip.

10 (9) This subdivision applies only while a TNC driver is providing  
11 a prearranged ride to a TNC rider. A motor vehicle used by a  
12 TNC driver to provide prearranged rides (as defined in  
13 IC 8-2.1-17-13.5).

14 SECTION 7. IC 9-19-13-3.5 IS ADDED TO THE INDIANA CODE  
15 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
16 1, 2019]: **Sec. 3.5. (a) A school bus or special purpose bus placed  
17 into operation after June 30, 2020, that is used to transport  
18 elementary school (as defined in IC 20-18-2-4) or high school (as  
19 defined in IC 20-18-2-7) students, or students in any combination  
20 of grades included under IC 20-18-2-4 and IC 20-18-2-7, must be  
21 equipped with a 3-point lap and shoulder safety belt at each seating  
22 location. The safety belt installation and safety belt and anchor  
23 must meet the specifications of the Society of Automotive  
24 Engineers.**

25 **(b) A school corporation, charter school, or nonpublic school  
26 that authorizes or permits a violation of subsection (a) commits a  
27 Class C infraction.**

28 SECTION 8. IC 9-19-13-5.5 IS ADDED TO THE INDIANA CODE  
29 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
30 1, 2019]: **Sec. 5.5. (a) Each occupant of a school bus or special  
31 purpose bus that has a 3-point lap and shoulder safety belt  
32 installed at each seating location in accordance with section 3.5 of  
33 this chapter shall have the lap and shoulder safety belt properly  
34 fastened about the occupant's body at all times when the bus is in  
35 motion.**

36 **(b) A school corporation, charter school, or nonpublic school or  
37 an owner of a school bus or special purpose bus (including a school  
38 bus or special purpose bus operated under a fleet or transportation  
39 contract) that authorizes or permits a violation of subsection (a)  
40 commits a Class C infraction.**

41 SECTION 9. IC 20-20-46 IS ADDED TO THE INDIANA CODE  
42 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2019]:

2 **Chapter 46. Safety Belt Revolving Loan Fund**

3 **Sec. 1. As used in this chapter, "fund" refers to the safety belt**  
 4 **revolving loan fund established by section 2 of this chapter.**

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

8 **(b) The fund consists of the following:**

9 **(1) Money appropriated to the fund by the general assembly.**

10 **(2) Repayments of principal and interest on loans under**  
 11 **section 3 of this chapter.**

12 **(c) The department shall pay from the fund the expenses of**  
 13 **administering the fund.**

14 **(d) The treasurer of state shall invest the money in the fund not**  
 15 **currently needed to meet the obligations of the fund in the same**  
 16 **manner as other public funds may be invested. Interest that**  
 17 **accrues from these investments shall be deposited in the fund.**

18 **(e) Money in the fund at the end of a state fiscal year does not**  
 19 **revert to the state general fund.**

20 **(f) Money in the fund is continuously appropriated for the**  
 21 **purposes of this chapter.**

22 **Sec. 3. (a) The department shall establish a revolving loan**  
 23 **program to provide loans from the fund to school corporations,**  
 24 **including charter schools, to assist school corporations and charter**  
 25 **schools in paying expenses necessary to comply with the**  
 26 **requirements under IC 9-19-13-3.5 concerning safety belts on**  
 27 **school buses and special purpose buses.**

28 **(b) The department shall establish the following:**

29 **(1) Standards of eligibility.**

30 **(2) The maximum amount of a loan that may be awarded to**  
 31 **a school corporation or a charter school.**

32 **(3) Application procedures.**

33 **(4) Any local matching funds that are required.**

34 **(5) The interest rate, duration, repayment schedule, and other**  
 35 **terms and conditions of a loan.**

36 **(6) Any other provisions necessary to administer the loan**  
 37 **program.**

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

41 **Sec. 4. A school corporation or a charter school may use any**  
 42 **source of revenue to repay a loan under this chapter, including**



1 **money in the school corporation's or charter school's operations**  
 2 **fund under IC 20-40-18.**

3 **Sec. 5. If a school corporation or a charter school fails to make**  
 4 **any repayments of a loan under this chapter, the auditor of state**  
 5 **shall withhold the repayment amount from any other money**  
 6 **payable by the state to the school corporation or charter school.**  
 7 **The amount withheld shall be transferred to the fund to the credit**  
 8 **of the school corporation or the charter school.**

9 SECTION 10. IC 20-27-3-4, AS AMENDED BY P.L.127-2016,  
 10 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2019]: Sec. 4. (a) The committee has the following powers  
 12 **and duties:**

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

17 (A) valid certificate of inspection decal; and

18 (B) temporary certificate of inspection decal described in  
 19 IC 20-27-7-10.

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

24 (A) valid certificate of inspection decal; and

25 (B) temporary certificate of inspection decal described in  
 26 IC 20-27-7-10.

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

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

33 (5) The committee may provide for the annual inspection of all  
 34 school buses and special purpose buses and the issuance of  
 35 certificate of inspection decals.

36 (6) The committee may maintain an approved list of school buses  
 37 and special purpose buses that have passed inspection tests under  
 38 subdivision (4) or (5).

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

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





1           **(9) The committee shall adopt rules under IC 4-22-2 for the**  
 2           **design, installation, and use of 3-point lap and shoulder safety**  
 3           **belt systems that must be installed in all school buses and**  
 4           **special purpose buses that are first placed into operation by**  
 5           **a school corporation, a charter school, or a nonpublic school**  
 6           **after June 30, 2020, in accordance with IC 9-19-13-3.5.**

7           (b) The committee shall adopt rules under IC 4-22-2 to set  
 8           performance standards and measurements for determining the physical  
 9           ability necessary for an individual to be a school bus driver.

10          (c) The certificate of inspection decals shall be issued to correspond  
 11          with each school year. Each certificate of inspection decal expires on  
 12          September 30 following the school year in which the certificate of  
 13          inspection decal is effective. However, for buses that are described in  
 14          IC 20-27-7-7, the certificate of inspection decal expires on a date that  
 15          is not later than seven (7) months after the date of the first inspection  
 16          for the particular school year.

17          SECTION 11. IC 20-27-7-8, AS ADDED BY P.L.1-2005,  
 18          SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19          JULY 1, 2019]: Sec. 8. The inspection of a special purpose bus shall  
 20          consist of an inspection to determine the existence and condition of the  
 21          vehicle's:

- 22           (1) brakes;
- 23           (2) lights (headlamps, tail lamps, brake lights, clearance lights,  
 24           and turn signals);
- 25           (3) steering and suspension;
- 26           (4) exhaust systems;
- 27           (5) general body condition; ~~and~~
- 28           (6) tires; ~~and~~
- 29           **(7) 3-point lap and shoulder safety belt systems, for a special**  
 30           **purpose bus placed into operation by a school corporation, a**  
 31           **charter school, or a nonpublic school after June 30, 2020, in**  
 32           **accordance with IC 9-19-13-3.5.**

33          SECTION 12. IC 20-40-18-5, AS ADDED BY P.L.244-2017,  
 34          SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35          JULY 1, 2019]: Sec. 5. The operations fund may be used only to do the  
 36          following:

- 37           (1) Carry out a capital projects plan approved under:
  - 38               (A) IC 20-46-6 (before January 1, 2019); or
  - 39               (B) section 6 of this chapter (after December 31, 2018) for  
 40               facility expenditures described in section 7 of this chapter.
- 41           (2) Pay transportation costs described in section 8 of this chapter.
- 42           (3) Carry out a school bus replacement plan approved under:



- 1 (A) IC 20-46-5 (before January 1, 2019); or  
2 (B) section 9 of this chapter (after December 31, 2018).  
3 (4) Pay expenses that are allocated to overhead and operational  
4 expenditures or to nonoperational expenditures under IC 20-42.5.  
5 (5) Provide funds to an art association or a historical society as  
6 provided in IC 36-10-13.  
7 (6) Establish, maintain, and equip a public playground under  
8 IC 36-10-14.  
9 **(7) Repay a loan under IC 20-20-46.**  
10 SECTION 13. [EFFECTIVE JULY 1, 2019] **(a) There is**  
11 **appropriated to the safety belt revolving loan fund established by**  
12 **IC 20-20-46-2, as added by this act, five million dollars (\$5,000,000)**  
13 **for the period beginning July 1, 2020, and ending June 30, 2021,**  
14 **from the state general fund to carry out the purposes of the safety**  
15 **belt revolving loan fund.**  
16 **(b) This SECTION expires July 1, 2021.**

