

SENATE BILL No. 21

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-21.

Synopsis: School bus stops. Provides that a person driving a vehicle who approaches a stationary school bus displaying alternately flashing amber lights must take certain actions to yield the right-of-way. Provides that under certain conditions, including the display of alternately flashing amber lights, a school bus driver may load or unload students without extending the school bus stop arm.

Effective: July 1, 2023.

Bohacek

January 9, 2023, read first time and referred to Committee on Homeland Security and Transportation.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

SENATE BILL No. 21

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 9-21-8-35, AS AMENDED BY P.L.116-2020,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 35. (a) Upon the immediate approach of an
4 authorized emergency vehicle, when the person who drives the
5 authorized emergency vehicle is giving audible signal by siren or
6 displaying alternately flashing red, red and white, or red and blue
7 lights, a person who drives another vehicle shall do the following
8 unless otherwise directed by a law enforcement officer:
9 (1) Yield the right-of-way.
10 (2) Immediately drive to a position parallel to and as close as
11 possible to the right-hand edge or curb of the highway clear of any
12 intersection.
13 (3) Stop and remain in the position until the authorized
14 emergency vehicle has passed.
15 (b) Upon approaching a stationary authorized emergency vehicle,
16 when the authorized emergency vehicle is giving a signal by displaying
17 alternately flashing red, red and white, or red and blue lights, a person



- 1 who drives an approaching vehicle shall:
- 2 (1) proceeding with due caution, yield the right-of-way by making
- 3 a lane change into a lane not adjacent to that of the authorized
- 4 emergency vehicle, if possible with due regard to safety and
- 5 traffic conditions, if on a highway having at least four (4) lanes
- 6 with not less than two (2) lanes proceeding in the same direction
- 7 as the approaching vehicle; or
- 8 (2) proceeding with due caution, reduce the speed of the vehicle
- 9 to a speed at least ten (10) miles per hour less than the posted
- 10 speed limit, maintaining a safe speed for road conditions, if
- 11 changing lanes would be impossible or unsafe.
- 12 A person who violates this subsection commits a Class A infraction.
- 13 However, the violation is a Level 6 felony if the person's failure to
- 14 comply with this subsection results in serious bodily injury,
- 15 catastrophic injury, or death to any person operating, occupying, or
- 16 affiliated with an authorized emergency vehicle described in this
- 17 subsection.
- 18 (c) Upon approaching a stationary recovery vehicle, a stationary
- 19 utility service vehicle (as defined in IC 8-1-8.3-5), a stationary solid
- 20 waste hauler, a stationary road, street, or highway maintenance vehicle,
- 21 or a stationary survey or construction vehicle, when the vehicle is
- 22 giving a signal by displaying alternately flashing amber lights, a person
- 23 who drives an approaching vehicle shall:
- 24 (1) proceeding with due caution, yield the right-of-way by making
- 25 a lane change into a lane not adjacent to that of the recovery
- 26 vehicle, utility service vehicle, solid waste hauler, or road, street,
- 27 or highway maintenance vehicle, if possible with due regard to
- 28 safety and traffic conditions, if on a highway having at least four
- 29 (4) lanes with not less than two (2) lanes proceeding in the same
- 30 direction as the approaching vehicle; or
- 31 (2) proceeding with due caution, reduce the speed of the vehicle
- 32 to a speed at least ten (10) miles per hour less than the posted
- 33 speed limit, maintaining a safe speed for road conditions, if
- 34 changing lanes would be impossible or unsafe.
- 35 A person who violates this section commits a Class B infraction.
- 36 **(d) Upon approaching a school bus (as defined in IC 9-13-2-161)**
- 37 **when the school bus is stationary and giving a signal by displaying**
- 38 **alternately flashing amber lights, a person who drives an**
- 39 **approaching vehicle shall:**
- 40 **(1) proceeding with due caution, yield the right-of-way by**
- 41 **making a lane change into a lane not adjacent to that of the**
- 42 **school bus, if possible with due regard to safety and traffic**



1 **conditions, if on a highway having at least four (4) lanes with**
 2 **not less than two (2) lanes proceeding in the same direction as**
 3 **the approaching vehicle; or**

4 **(2) proceeding with due caution, reduce the speed of the**
 5 **vehicle to a speed at least ten (10) miles per hour less than the**
 6 **posted speed limit, maintaining a safe speed for road**
 7 **conditions, if changing lanes would be impossible or unsafe.**

8 **A person who violates this section commits a Class B infraction.**

9 ~~(d)~~ **(e)** This section does not operate to relieve the person who drives
 10 an authorized emergency vehicle, a recovery vehicle, a utility service
 11 vehicle, solid waste hauler, a road, street, or highway maintenance
 12 vehicle, or a stationary survey or construction vehicle from the duty to
 13 operate the vehicle with due regard for the safety of all persons using
 14 the highway.

15 SECTION 2. IC 9-21-12-13, AS AMENDED BY P.L.144-2019,
 16 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2023]: Sec. 13. (a) Except:

18 (1) as provided in subsection (b); or

19 (2) when a school bus is stopped at an intersection or another
 20 place where traffic is controlled by a traffic control device or a
 21 police officer;

22 whenever a school bus is stopped on a roadway or a private road to
 23 load or unload a student, the driver shall use an arm signal device,
 24 which must be extended while the bus is stopped.

25 (b) The governing body of a public school may authorize a school
 26 bus driver to load or unload a student at a location off the roadway that
 27 the governing body designates as a special school bus loading area. The
 28 driver is not required to extend the arm signal device when loading or
 29 unloading a student in the designated area, **if the driver is giving a**
 30 **signal by displaying alternately flashing amber lights.**

31 (c) A school bus driver who knowingly or intentionally violates
 32 subsection (a) commits a Class C misdemeanor.

