

## SENATE BILL No. 520

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-21-12-20; IC 20-27; IC 20-50-3-6.

**Synopsis:** School buses. Provides that when a school bus is operated on a highway, the driver shall load and unload a student as close as practical to the right-hand curb or edge of the roadway. Makes changes to prerequisites for bidders to receive school transportation contracts. Makes changes to the provision regarding when school bus drivers must obtain a physical examination. Adds a provision indicating what type of vehicle must be used to transport foster care students to the students' school of origin. Repeals a provision concerning inspection requirements for special purpose school buses.

**Effective:** July 1, 2015.

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January 14, 2015, read first time and referred to Committee on Homeland Security & Transportation.

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First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

# SENATE BILL No. 520



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 9-21-12-20 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2015]: **Sec. 20. When a school bus is operated on a highway, the**
- 4 **driver shall load and unload a student as close as practical to the**
- 5 **right-hand curb or edge of the roadway.**
- 6 SECTION 2. IC 20-27-5-13, AS ADDED BY P.L.1-2005,
- 7 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 8 JULY 1, 2015]: Sec. 13. Before a bidder may be awarded a
- 9 transportation contract, the bidder must meet **or provide a driver who**
- 10 **must meet** the following conditions:
- 11 (1) The ~~bidder~~ **driver** must meet the physical requirements
- 12 prescribed in IC 20-27-8-1 as evidenced by a certificate signed by
- 13 an Indiana physician who has examined the ~~bidder~~ **driver**.
- 14 (2) The ~~bidder~~ **driver** must hold a valid public passenger
- 15 chauffeur's license or commercial driver's license issued by the
- 16 bureau of motor vehicles.



1 SECTION 3. IC 20-27-6-5, AS ADDED BY P.L.1-2005, SECTION  
 2 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 3 2015]: Sec. 5. Before a school bus driver may enter into a parents'  
 4 supplemental transportation contract, the school bus driver must meet  
 5 the following prerequisites:

6 (1) The school bus driver must meet all physical requirements  
 7 required of school bus drivers by the committee, including the  
 8 requirements under IC 20-27-8-1.

9 (2) The school bus driver must obtain the physical fitness  
 10 certificate required of all school bus drivers by IC 20-27-8-4.

11 (3) The school bus driver must have a valid public passenger  
 12 chauffeur's license **or commercial driver's license** issued by the  
 13 bureau of motor vehicles.

14 (4) The school bus driver must meet any additional requirements  
 15 required by the contracting parents.

16 SECTION 4. IC 20-27-6-7, AS ADDED BY P.L.1-2005, SECTION  
 17 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 18 2015]: Sec. 7. (a) Except as provided in subsections (b) and (d), a  
 19 school bus operating under a parents' supplemental transportation  
 20 contract may only be used for the following purposes:

21 (1) Transportation of eligible students to and from school.

22 (2) Transportation of eligible students and necessary adult  
 23 chaperones to and from an activity that is sponsored, controlled,  
 24 supervised, or participated in by the governing body of the school  
 25 corporation.

26 (3) Transportation of students to and from a:

27 (A) youth baseball activity;

28 (B) 4-H club activity;

29 (C) junior achievement activity;

30 (D) Boy Scout activity;

31 (E) Girl Scout activity;

32 (F) Campfire activity; or

33 (G) recreational activity approved or sponsored by a political  
 34 subdivision.

35 (b) Except as provided in subsection (c), the following conditions  
 36 apply to a school bus operating under a parents' supplemental  
 37 transportation contract that is used for a purpose described in  
 38 subsection (a):

39 (1) Students may not be accompanied by more than four (4) adult  
 40 sponsors or chaperones per school bus.

41 (2) Transportation must originate from a point within the  
 42 geographical limits of the school district served by the affected



- 1 school bus driver.
- 2 (3) The group to be transported shall be residents of the affected
- 3 school district.
- 4 (4) Transportation may not exceed one hundred (100) highway
- 5 miles from point of origin.
- 6 (c) Subsection (b) does not apply if transportation can be furnished
- 7 by a common carrier of passengers that operates under the jurisdiction
- 8 of the department of state revenue. ~~If transportation is furnished by a~~
- 9 ~~common carrier of passengers that operates under the jurisdiction of~~
- 10 ~~the department of state revenue; IC 20-27-9-3(b) applies.~~
- 11 (d) A school bus operating under a parents' supplemental
- 12 transportation contract may be used for the following purposes:
- 13 (1) Travel to and from a garage or repair area for maintenance or
- 14 repair.
- 15 (2) Transportation requested by a governmental authority during
- 16 a local, state, or national emergency.
- 17 (3) Transportation of an agricultural worker engaged in
- 18 cultivating, producing, or harvesting crops under IC 20-27-9-10.
- 19 (4) Travel to a school bus driver's residence or parking facility
- 20 following an authorized use described in this section.
- 21 (5) Transportation of a senior citizen under IC 20-27-9-2.
- 22 SECTION 5. IC 20-27-7-8 IS REPEALED [EFFECTIVE JULY 1,
- 23 2015]. ~~Sec. 8: The inspection of a special purpose bus shall consist of~~
- 24 ~~an inspection to determine the existence and condition of the vehicle's:~~
- 25 ~~(1) brakes;~~
- 26 ~~(2) lights (headlamps, tail lamps, brake lights, clearance lights,~~
- 27 ~~and turn signals);~~
- 28 ~~(3) steering and suspension;~~
- 29 ~~(4) exhaust systems;~~
- 30 ~~(5) general body condition; and~~
- 31 ~~(6) tires.~~
- 32 SECTION 6. IC 20-27-8-1, AS ADDED BY P.L. 1-2005, SECTION
- 33 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
- 34 2015]: Sec. 1. (a) An individual may not drive a school bus for the
- 35 transportation of students or be employed as a school bus monitor
- 36 unless the individual satisfies the following requirements:
- 37 (1) Is of good moral character.
- 38 (2) Does not use intoxicating liquor during school hours.
- 39 (3) Does not use intoxicating liquor to excess at any time.
- 40 (4) Is not addicted to any narcotic drug.
- 41 (5) Is at least:
- 42 (A) twenty-one (21) years of age for driving a school bus; or



- 1 (B) eighteen (18) years of age for employment as a school bus  
 2 monitor.
- 3 (6) In the case of a school bus driver, holds a valid public  
 4 passenger chauffeur's license or commercial driver's license  
 5 issued by the state or any other state.
- 6 (7) **In the case of a school bus driver**, possesses the following  
 7 required physical characteristics:
- 8 (A) Sufficient physical ability to be a school bus driver, as  
 9 determined by the committee.
- 10 (B) The full normal use of both hands, both arms, both feet,  
 11 both legs, both eyes, and both ears.
- 12 (C) Freedom from any communicable disease that:  
 13 (i) may be transmitted through airborne or droplet means; or  
 14 (ii) requires isolation of the infected person under 410  
 15 IAC 1-2.3.
- 16 (D) Freedom from any mental, nervous, organic, or functional  
 17 disease that might impair the person's ability to properly  
 18 operate a school bus.
- 19 (E) Visual acuity, with or without glasses, of at least 20/40 in  
 20 each eye and a field of vision with one hundred fifty (150)  
 21 degree minimum and with depth perception of at least eighty  
 22 percent (80%).
- 23 (b) This subsection applies to a school bus monitor.  
 24 Notwithstanding subsection (a)(5)(B), a school corporation or school  
 25 bus driver may not employ an individual who is less than twenty-one  
 26 (21) years of age as a school bus monitor unless the school corporation  
 27 or school bus driver does not receive a sufficient number of qualified  
 28 applicants for employment as a school bus monitor who are at least  
 29 twenty-one (21) years of age. A school corporation or school bus driver  
 30 shall maintain a record of applicants, their ages, and their qualifications  
 31 to show compliance with this subsection.
- 32 SECTION 7. IC 20-27-8-5, AS ADDED BY P.L.1-2005, SECTION  
 33 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 34 2015]: Sec. 5. (a) When an individual holds a contract to serve or is  
 35 serving as a school bus driver, ~~at the time the individual obtains a~~  
 36 ~~public passenger chauffeur's license~~, the individual shall undergo the  
 37 physical examination required by section 4 of this chapter. ~~at about the~~  
 38 ~~same time as the individual acquires the chauffeur's license~~. The  
 39 certificate of examination and qualification **is valid for a period not**  
 40 **to exceed two (2) years and** shall be filed not more than seven (7)  
 41 days after the examination.
- 42 (b) When an individual executes a contract to drive a school bus or



1 begins serving as a school bus driver, ~~after obtaining a public~~  
 2 ~~passenger chauffeur's license~~; the individual may not drive a school bus  
 3 unless

4 (1) the individual ~~files~~ **has** a **current** certificate of a physical  
 5 examination **on file with the local school corporation. made at**  
 6 **the time the individual last secured a public passenger chauffeur's**  
 7 **license; or**

8 (2) if a certificate was not made at the time of the prior  
 9 examination or is unobtainable, the individual undergoes a new  
 10 physical examination and files a certificate from that examination.

11 SECTION 8. IC 20-27-9-3, AS ADDED BY P.L.1-2005, SECTION  
 12 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 13 2015]: Sec. 3. ~~(a)~~ The governing body of a school corporation may  
 14 allow, by written authorization, the use of a school bus for  
 15 transportation of eligible students and necessary adult chaperones or of  
 16 adults to and from an activity that is sponsored, controlled, supervised,  
 17 or participated in by the governing body. The number and  
 18 qualifications of adult chaperones under this section may be  
 19 determined by the governing body.

20 ~~(b) The governing body may allow, by written authorization, the use~~  
 21 ~~of a school bus for transportation of students and necessary adult~~  
 22 ~~chaperones to and from an educational or recreational activity~~  
 23 ~~approved or sponsored by a political subdivision if:~~

24 (1) the transportation originates from a place within the  
 25 geographical limits of the school corporation served by the  
 26 affected bus;

27 (2) the persons transported are Indiana residents; and

28 (3) the trip does not involve more than two hundred (200) miles  
 29 of travel out of state.

30 SECTION 9. IC 20-27-9-4, AS ADDED BY P.L.1-2005, SECTION  
 31 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 32 2015]: Sec. 4. (a) The governing body of a school corporation may, by  
 33 written authorization, allow the use of a school bus for transportation:

34 (1) of preschool children who attend preschool offered by the  
 35 school corporation or under a contract entered into by the school  
 36 corporation to and from the preschool facility site; and

37 (2) ~~subject to the geographic and residency requirements set forth~~  
 38 ~~in section 3(b) of this chapter~~; of preschool children and  
 39 necessary adult chaperones to and from an educational or  
 40 recreational activity approved or sponsored by the governing body  
 41 for the preschool children.

42 (b) The number and qualifications of adult chaperones under



1 subsection (a)(2) may be determined by the governing body.

2 SECTION 10. IC 20-27-9-5, AS AMENDED BY P.L.182-2009(ss),  
3 SECTION 318, IS AMENDED TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) A special purpose bus may be  
5 used:

6 (1) by a school corporation to provide regular transportation of a  
7 student between one (1) school and another school but not  
8 between the student's residence and the school;

9 (2) to transport students and their supervisors, including coaches,  
10 managers, and sponsors to athletic or other extracurricular school  
11 activities and field trips;

12 (3) by a school corporation to provide transportation between an  
13 individual's residence and the school for an individual enrolled in  
14 a special program for the habilitation or rehabilitation of persons  
15 with a developmental or physical disability; and

16 (4) to transport homeless students under IC 20-27-12.

17 ~~(b) The mileage limitation of section 3 of this chapter does not apply~~  
18 ~~to special purpose buses.~~

19 ~~(c)~~ (b) The operator of a special purpose bus must be at least  
20 twenty-one (21) years of age, be authorized by the school corporation,  
21 and meet the following requirements:

22 (1) If the special purpose bus has a capacity of less than sixteen  
23 (16) passengers, the operator must hold a valid:

24 (A) operator's;

25 (B) chauffeur's;

26 (C) public passenger chauffeur's; or

27 (D) commercial driver's;

28 license.

29 (2) If the special purpose bus has a capacity of more than fifteen  
30 (15) passengers, the operator must meet the requirements for a  
31 school bus driver set out in IC 20-27-8.

32 ~~(d) A special purpose bus is not required to be constructed;~~  
33 ~~equipped; or painted as specified for school buses under this article or~~  
34 ~~by the rules of the committee.~~

35 ~~(e)~~ (c) An owner or operator of a special purpose bus, other than a  
36 special purpose bus owned or operated by a school corporation or a  
37 nonpublic school, is subject to IC 8-2.1.

38 SECTION 11. IC 20-27-9-12, AS AMENDED BY P.L.99-2007,  
39 SECTION 174, IS AMENDED TO READ AS FOLLOWS  
40 [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) As used in this section,  
41 "child care center" means a nonresidential building where at least one  
42 (1) child receives child care from a provider licensed under



- 1 IC 12-17.2-4:
- 2 (1) while unattended by a parent;
- 3 (2) for regular compensation; and
- 4 (3) for more than four (4) hours but less than twenty-four (24)
- 5 hours in each of ten (10) consecutive days per year, excluding
- 6 intervening Saturdays, Sundays, and holidays.
- 7 (b) This subsection does not apply to a person with a developmental
- 8 or physical disability who is provided transportation by a school
- 9 corporation by means of a special purpose bus as provided in section
- 10 5(a)(3) of this chapter. An individual or entity who transports children
- 11 in the care of a:
- 12 (1) preschool operated by a school corporation;
- 13 (2) public elementary school; or
- 14 (3) public secondary school;
- 15 on a public highway (as defined in IC 9-25-2-4) within or outside
- 16 Indiana shall transport the children only in a school bus. However, a
- 17 special purpose bus may be used for transportation of the children to
- 18 activities other than regular transportation between the residences of
- 19 the children and the school.
- 20 (c) An individual or entity that transports children in the care of a
- 21 child care center on a public highway (as defined in IC 9-25-2-4)
- 22 within or outside Indiana in a vehicle designed and constructed for the
- 23 accommodation of more than ten (10) passengers shall transport the
- 24 children only in a school bus or special purpose bus.
- 25 (d) The operator of a:
- 26 (1) school bus that transports children as required under
- 27 subsection (b) or (c) must meet the requirements of IC 20-27-8;
- 28 and
- 29 (2) special purpose bus that transports children as required under
- 30 subsection (b) or (c) must meet the requirements of section ~~5(c)~~
- 31 **5(b)** of this chapter.
- 32 (e) This section does not prohibit the use of a public transportation
- 33 system for the transportation of children if the motor carriage used is
- 34 designed to carry at least twenty (20) passengers.
- 35 (f) This section does not prohibit a:
- 36 (1) preschool operated by a school corporation;
- 37 (2) public elementary school;
- 38 (3) public secondary school; or
- 39 (4) child care center;
- 40 from contracting with a common carrier for incidental charter bus
- 41 service for nonregular transportation if the carrier and the carrier's
- 42 motor coach comply with the Federal Motor Carrier Safety Regulations



1 as prescribed by the United States Department of Transportation  
2 Federal Highway Administration.

3 (g) Notwithstanding section 17 of this chapter, a person who  
4 violates this section commits a Class B infraction.

5 SECTION 12. IC 20-27-12-5, AS ADDED BY P.L.191-2006,  
6 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2015]: Sec. 5. (a) A school corporation may use the following  
8 types of vehicles in transporting a homeless student to a school of  
9 origin:

10 (1) If at least four (4) homeless students are being transported to  
11 schools in the same school corporation, a special purpose bus  
12 must be used to transport the students.

13 (2) If three (3) or fewer students are being transported to schools  
14 in the same school corporation, an appropriate vehicle owned by  
15 the school corporation may be used to transport the students.

16 (b) The driver of a vehicle used to transport homeless students to a  
17 school of origin under subsection (a) must meet the qualifications set  
18 forth in ~~IC 20-27-9-5(e)~~. **IC 20-27-9-5(b)**.

19 SECTION 13. IC 20-50-3-6 IS ADDED TO THE INDIANA CODE  
20 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY  
21 1, 2015]: **Sec. 6. (a) A school corporation may use the following**  
22 **types of vehicles in transporting a foster care student to a school of**  
23 **origin:**

24 (1) **If at least four (4) foster care students are being**  
25 **transported to schools in the same school corporation, a**  
26 **special purpose bus must be used to transport the students.**

27 (2) **If less than four (4) students are being transported to**  
28 **schools in the same school corporation, an appropriate vehicle**  
29 **owned by the school corporation may be used to transport the**  
30 **students.**

31 (b) **The driver of a vehicle used to transport foster care students**  
32 **to a school of origin under subsection (a) must meet the**  
33 **requirements set forth in IC 20-27-9-5(b).**

