
SENATE BILL No. 501

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-17.2-2-1.5; IC 20-9.1-5.

Synopsis: Use of school buses to transport children. Prohibits the use of a special purpose bus to transport school children or disabled persons who are less than 18 years of age. Requires a person that transports children in the care of a public or private day care center, preschool, elementary school, or secondary school to transport the children in a school bus with a capacity of at least 16 passengers that meets state and federal school bus safety standards. Requires the driver of the school bus to meet the requirements for school bus drivers under Indiana law. Permits the use of a public transportation system to transport the children if the motor carriage used is designed to carry at least 30 passengers.

Effective: July 1, 2001.

Rogers

January 22, 2001, read first time and referred to Committee on Transportation and Interstate Cooperation.

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First Regular Session 112th General Assembly (2001)

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 2000 General Assembly.

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SENATE BILL No. 501



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 12-17.2-2-1.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1.5. (a) The division
3 shall require all child care centers or child care homes to submit a
4 report containing the names and birth dates of all children who are
5 enrolled in the child care center or child care home within three (3)
6 months from the date the child care center or child care home accepts
7 its first child, upon receiving the consent of the child's parent, guardian,
8 or custodian as required under subsection (b). The division shall
9 require all child care centers and child care homes that receive written
10 consent as described under subsection (b) to submit a monthly report
11 of the name and birth date of each additional child who has been
12 enrolled **in** or withdrawn ~~in~~ **from** the child care center or child care
13 home during the preceding thirty (30) days.

14 (b) The division shall require all child care centers or child care
15 homes to request whether the child's parent, guardian, or custodian
16 desires the center or home to include the child's name and birth date in
17 the reports described under subsection (a) before enrolling the child in



1 the center or home. No child's name or birth date may be included on
 2 the report required under subsection (a) without the signed consent of
 3 the child's parent, guardian, or custodian. The consent form must be in
 4 the following form:

5 "I give my permission for _____ (name of day
 6 care center or home) to report the name and birth date of my child
 7 or children to the division of family and children pursuant to
 8 IC 12-17.2-2-1.5.

9 Name of child _____

10 Birth date _____

11 Signature of parent, guardian, or custodian
 12 _____

13 Date _____

14 (c) The division shall submit a monthly report of the information
 15 provided under subsection (a) to the Indiana clearinghouse on missing
 16 children established under IC 10-1-7.

17 **(d) The division shall require that a person who transports**
 18 **children who are in the care of the child care center or child care**
 19 **home on a public highway (as defined in IC 9-25-2-4) within or**
 20 **outside Indiana must transport the children only in a school bus**
 21 **with a capacity of at least sixteen (16) passengers that meets the**
 22 **school bus safety requirements under IC 20-9.1-5 and 49 U.S.C.**
 23 **30125. This subsection does not prohibit the use of a public**
 24 **transportation system for the transportation of children if the**
 25 **motor carriage used is designed to carry at least thirty (30)**
 26 **passengers.**

27 **(e) The driver of a school bus that transports children as**
 28 **required under subsection (d) shall meet the requirements of**
 29 **IC 20-9.1-3-1.**

30 SECTION 2. IC 20-9.1-5-2.6 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2.6. (a) A special
 32 purpose bus:

33 (1) may not be used by a school corporation to provide regular
 34 transportation of school children, other than those provided for in
 35 subdivision (3), between their residence and the school;

36 (2) may **not** be used to transport school children and their
 37 supervisors, including coaches, managers, and sponsors to
 38 athletic, other extracurricular school activities, and field trips; ~~and~~

39 (3) may be used by a school corporation to provide transportation
 40 for persons **who are:**

41 **(A) at least eighteen (18) years of age; and**

42 **(B) enrolled in a special program for the habilitation or**

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- 1 rehabilitation of developmentally disabled or physically
 2 disabled persons; **and**
 3 **(4) may not be used by a school corporation to provide**
 4 **transportation for persons who are:**
 5 **(A) less than eighteen (18) years of age; and**
 6 **(B) enrolled in a special program for the habilitation or**
 7 **rehabilitation of developmentally disabled or physically**
 8 **disabled persons.**
- 9 (b) The mileage limitation of section 2 of this chapter does not apply
 10 to special purpose buses.
- 11 (c) The operator of a special purpose bus must be at least
 12 twenty-one (21) years of age, must be authorized by the school
 13 corporation, and must meet the following requirements:
- 14 (1) If the bus has a capacity of less than sixteen (16) passengers,
 15 the operator must hold a valid operator's, chauffeur's, or public
 16 passenger chauffeur's license.
- 17 (2) If the bus has a capacity of more than fifteen (15) passengers,
 18 the operator must meet the requirements for a school bus driver
 19 set out in IC 20-9.1-3.
- 20 (d) A special purpose bus is not required to be constructed,
 21 equipped, or painted as specified for school buses under this article or
 22 by the rules of the state school bus committee.
- 23 (e) An owner or operator of a special purpose bus, other than one
 24 owned or operated by a school corporation or a private school, is
 25 subject to IC 8-2.1.
- 26 SECTION 3. IC 20-9.1-5-3.6 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3.6. (a) As used in this
 28 section, "developmentally disabled person" means a person who has a
 29 developmental disability (as defined in IC 12-7-2-61).
- 30 (b) A special education cooperative operating under IC 36-1-7,
 31 IC 20-1-6-20, or IC 20-5-11, or a school corporation, may enter into an
 32 agreement with a state supported agency serving developmentally
 33 disabled persons whereby **school buses with a capacity of at least**
 34 **sixteen (16) passengers that meet the school bus safety**
 35 **requirements under this chapter and 49 U.S.C. 30125** used by the
 36 special education cooperative or school corporation may be used to
 37 transport developmentally disabled persons who:
- 38 (1) are two (2) years of age or older; and
 39 (2) live within the boundaries of the special education cooperative
 40 or school corporation;
 41 to and from programs for the developmentally disabled.
- 42 (c) An increased cost of transportation for developmentally disabled

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1 persons not reimbursed under IC 21-3-3.1 shall be borne by the persons
 2 transported or the state supported agency serving the developmentally
 3 disabled. However, a developmentally disabled person may not be
 4 required to pay for transportation provided under this section where the
 5 required payment is contrary to law.

6 SECTION 4. IC 20-9.1-5-6.6 IS ADDED TO THE INDIANA
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2001]: **Sec. 6.6. (a) As used in this section,**
 9 **"day care center" means an entity operated primarily for the**
 10 **purpose of providing:**

- 11 (1) care;
 12 (2) maintenance; or
 13 (3) supervision and instruction;

14 **to children who are less than eighteen (18) years of age and are**
 15 **separated from their parent or guardian for more than four (4)**
 16 **hours but less than twenty-four (24) hours a day for at least ten**
 17 **(10) consecutive workdays.**

18 **(b) A person who transports children in the care of a public or**
 19 **private:**

- 20 (1) day care center;
 21 (2) preschool;
 22 (3) elementary school; or
 23 (4) secondary school;

24 **on a public highway (as defined in IC 9-25-2-4) within or outside**
 25 **of Indiana, shall transport the children only in a school bus with a**
 26 **capacity of at least sixteen (16) passengers that meets the school**
 27 **bus safety requirements under this chapter and 49 U.S.C. 30125.**

28 **(c) The driver of a school bus that transports children as**
 29 **required under subsection (b) shall meet the requirements of**
 30 **IC 20-9.1-3-1.**

31 **(d) This section does not prohibit the use of a public**
 32 **transportation system for the transportation of children if the**
 33 **motor carriage used is designed to carry thirty (30) or more**
 34 **passengers.**

35 SECTION 5. [EFFECTIVE JULY 1, 2001] **(a) If a person**
 36 **described in:**

- 37 (1) IC 20-9.1-5-6.6, as added by this act; or
 38 (2) IC 12-17.2-2-1.5, as amended by this act;

39 **owns a vehicle other than a school bus with a capacity of at least**
 40 **sixteen (16) passengers before July 1, 2001, the person may**
 41 **continue to use the vehicle to transport children until June 30,**
 42 **2006.**

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1 **(b) If a person described in:**
2 **(1) IC 20-9.1-5-6.6, as added by this act; or**
3 **(2) IC 12-17.2-2-1.5, as amended by this act;**
4 **has contracted for the use of a vehicle other than a school bus with**
5 **a capacity of at least sixteen (16) passengers before July 1, 2001,**
6 **the person may continue to use the vehicle to transport children**
7 **until the contract expires.**

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