



Reprinted  
March 7, 2001

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## SENATE BILL No. 501

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DIGEST OF SB 501 (Updated March 6, 2001 2:41 PM - DI 92)

**Citations Affected:** IC 12-17.2; IC 20-9.1; noncode.

**Synopsis:** Use of school buses to transport children. Requires a person that transports children in the care of a child care center, a preschool operated by a school corporation, a public elementary school, or a public secondary school to transport the children in a school bus or, in certain circumstances permitted under Indiana law, a special purpose bus. Defines a child care center so that the term does not include a child care home, a child care ministry, an unlicensed day care provider, or a residential child care institution. Requires the driver of the school bus or a special purpose bus to meet certain requirements under Indiana law. Amends the definition of "special purpose bus" to mean a vehicle that accommodates more than 10 passengers and meets federal school bus safety requirements with the exception of requirements of a signal arm and flashing lamps. 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.

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### Rogers, Landske, Antich

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

March 1, 2001, amended, reported favorably — Do Pass.

March 6, 2001, read second time, amended, ordered engrossed.

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Reprinted  
March 7, 2001

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

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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

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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 on a public**  
19 **highway (as defined in IC 9-25-2-4) within or outside Indiana must**  
20 **transport the children only in a school bus (as defined in**  
21 **IC 20-9.1-1-5) or a special purpose bus (as defined in**  
22 **IC 20-9.1-1-4.5). This subsection does not prohibit the use of a**  
23 **public transportation system for the transportation of children if**  
24 **the motor carriage used is designed to carry at least thirty (30)**  
25 **passengers.**

26 (e) The driver of a:

- 27 (1) school bus that transports children as required under
- 28 subsection (d) shall meet the requirements of IC 20-9.1-3; and
- 29 (2) special purpose bus that transports children as required
- 30 under subsection (d) shall meet the requirements of
- 31 IC 20-9.1-5-2.6.

32 SECTION 2. IC 20-9.1-1-4.5 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4.5. ~~Definition;~~  
34 ~~"Special Purpose Bus"~~. As used in this article, the term "special  
35 purpose bus" means any motor vehicle designed and constructed:

- 36 (1) for the accommodation of more than ~~six (6)~~ **ten (10)**
- 37 passengers;
- 38 (2) that meets the federal school bus safety requirements
- 39 under 49 U.S.C. 30125 except the:
  - 40 (A) stop signal arm required under federal motor vehicle
  - 41 safety standard (FMVSS) no. 131; and
  - 42 (B) flashing lamps required under federal motor vehicle

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1                   **safety standard (FMVSS) no. 108; and**  
 2                   **(3) that is** used by a school corporation for transportation  
 3                   purposes not appropriate for school buses.

4                   SECTION 3. IC 20-9.1-5-3.6 IS AMENDED TO READ AS  
 5                   FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3.6. (a) As used in this  
 6                   section, "developmentally disabled person" means a person who has a  
 7                   developmental disability (as defined in IC 12-7-2-61).

8                   (b) A special education cooperative operating under IC 36-1-7,  
 9                   IC 20-1-6-20, or IC 20-5-11, or a school corporation, may enter into an  
 10                  agreement with a state supported agency serving developmentally  
 11                  disabled persons whereby **school buses or special purpose buses** used  
 12                  by the special education cooperative or school corporation may be used  
 13                  to transport developmentally disabled persons who:

- 14                  (1) are two (2) years of age or older; and  
 15                  (2) live within the boundaries of the special education cooperative  
 16                  or school corporation;

17                  to and from programs for the developmentally disabled.

18                  (c) An increased cost of transportation for developmentally disabled  
 19                  persons not reimbursed under IC 21-3-3.1 shall be borne by the persons  
 20                  transported or the state supported agency serving the developmentally  
 21                  disabled. However, a developmentally disabled person may not be  
 22                  required to pay for transportation provided under this section where the  
 23                  required payment is contrary to law.

24                  SECTION 4. IC 20-9.1-5-6.6 IS ADDED TO THE INDIANA  
 25                  CODE AS A NEW SECTION TO READ AS FOLLOWS  
 26                  [EFFECTIVE JULY 1, 2001]: Sec. 6.6. (a) As used in this section,  
 27                  "**child care center**" means a nonresidential building where at least  
 28                  **one (1) child receives child care from a provider licensed under**  
 29                  **IC 12-17.2-4:**

- 30                  (1) while unattended by a parent, legal guardian, or  
 31                  custodian;  
 32                  (2) for regular compensation; and  
 33                  (3) for more than four (4) hours but less than twenty-four (24)  
 34                  hours in each of ten (10) consecutive days per year, excluding  
 35                  intervening Saturdays, Sundays, and holidays.

36                  (b) An individual or entity who transports children in the care  
 37                  of a:

- 38                  (1) child care center;  
 39                  (2) preschool operated by a school corporation;  
 40                  (3) public elementary school; or  
 41                  (4) public secondary school;  
 42                  on a public highway (as defined in IC 9-25-2-4) within or outside



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1 of Indiana, shall transport the children only in a school bus.  
 2 However, a special purpose bus may be used for transportation of  
 3 the children to activities other than regular transportation between  
 4 the residences of the children and the school.

5 (c) The driver of a:

6 (1) school bus that transports children as required under  
 7 subsection (b) shall meet the requirements of IC 20-9.1-3; and

8 (2) special purpose bus that transports children as required  
 9 under subsection (b) shall meet the requirements of section 2.6  
 10 of this chapter.

11 (d) This section does not prohibit the use of a public  
 12 transportation system for the transportation of children if the  
 13 motor carriage used is designed to carry thirty (30) or more  
 14 passengers.

15 SECTION 5. [EFFECTIVE JULY 1, 2001] (a) If an individual or  
 16 entity described in:

17 (1) IC 20-9.1-5-6.6, as added by this act; or

18 (2) IC 12-17.2-2-1.5, as amended by this act;

19 owns a vehicle other than a school bus (as defined in IC 20-9.1-1-5)  
 20 or a special purpose bus (as defined in IC 20-9.1-1-4.5, as amended  
 21 by this act) before July 1, 2001, the person may continue to use the  
 22 vehicle to transport children until June 30, 2006.

23 (b) If a person described in:

24 (1) IC 20-9.1-5-6.6, as added by this act; or

25 (2) IC 12-17.2-2-1.5, as amended by this act;

26 has contracted for the use of a vehicle other than a school bus (as  
 27 defined in IC 20-9.1-1-5) or a special purpose bus (as defined in  
 28 IC 20-9.1-1-4.5, as amended by this act) before July 1, 2001, the  
 29 person may continue to use the vehicle to transport children until  
 30 the contract expires.

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SENATE MOTION

Mr. President: I move that Senator Landske be added as second author and Senator Antich be added as coauthor of Senate Bill 501.

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Transportation and Interstate Cooperation, to which was referred Senate Bill No. 501, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 20, after "bus" insert "**(as defined in IC 20-9.1-1-5) or a special purpose bus (as defined in IC 20-9.1-1-4.5).**".

Page 2, delete lines 21 through 22.

Page 2, line 23, delete "30125".

Page 2, line 27, delete "a" and insert "**a:**  
**(1)**".

Page 2, line 29, delete "IC 20-9.1-3-1." and insert "**IC 20-9.1-3; and  
(2) special purpose bus that transports children as required under subsection (d) shall meet the requirements of IC 20-9.1-5-2.6.**".

Page 2, delete lines 30 through 42, begin a new paragraph and insert:

"SECTION 2. IC 20-9.1-1-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4.5. ~~Definition;~~ "~~Special Purpose Bus~~". As used in this article, the term "special purpose bus" means any motor vehicle designed and constructed:

**(1)** for the accommodation of more than ~~six (6)~~ **ten (10)** passengers;

**(2) that meets the federal school bus safety requirements under 49 U.S.C. 30125 except the:**

**(A) stop signal arm required under federal motor vehicle safety standard (FMVSS) no. 131; and**

**(B) flashing lamps required under federal motor vehicle safety standard (FMVSS) no. 108; and**

**(3) that is used by a school corporation for transportation purposes not appropriate for school buses."**

Page 3, delete lines 1 through 25.

Page 3, line 33, delete "with a capacity of at least" and insert "**or special purpose buses**".

Page 3, delete line 34.

Page 3, line 35, delete "requirements under this chapter and 49 U.S.C. 30125".

Page 4, line 18, delete "A person" and insert "**An individual or entity**".

Page 4, line 25, delete "with a" and insert "**. However, a special purpose bus may be used for transportation of the children to**

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**activities other than regular transportation between the residences of the children and the school."**

Page 4, delete lines 26 through 27.

Page 4, line 28, delete "a" and insert "**a:**

**(1)**".

Page 4, line 30, delete "IC 20-9.1-3-1." and insert "**IC 20-9.1-3; and (2) special purpose bus that transports children as required under subsection (b) shall meet the requirements of section 2.6 of this chapter.**".

Page 4, line 35, delete "a person" and insert "**an individual or entity**".

Page 4, line 39, delete "with a capacity of at least" and insert "**(as defined in IC 20-9.1-1-5) or a special purpose bus (as defined in IC 20-9.1-1-4.5, as amended by this act)**".

Page 4, line 40, delete "sixteen (16) passengers".

Page 5, line 4, delete "with" and insert "**(as defined in IC 20-9.1-1-5) or a special purpose bus (as defined in IC 20-9.1-1-4.5, as amended by this act)**".

Page 5, line 5, delete "a capacity of at least sixteen (16) passengers".

and when so amended that said bill do pass.

(Reference is to SB 501 as introduced.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 7, Nays 0.

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## SENATE MOTION

Mr. President: I move that Senate Bill 501 be amended to read as follows:

Page 2, line 18, delete "or child care".

Page 2, line 19, delete "home".

Page 3, delete lines 27 through 35 and insert **""child care center" means a nonresidential building where at least one (1) child receives child care from a provider licensed under IC 12-17.2-4:**

**(1) while unattended by a parent, legal guardian, or custodian;**

**(2) for regular compensation; and**

**(3) for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays."**

Page 3, line 37, delete "public or private".

Page 3, line 38, delete "day" and insert **"child"**.

Page 3, line 39, after "preschool" insert **"operated by a school corporation"**.

Page 3, line 40, after "(3)" insert **"public"**.

Page 3, line 41, after "(4)" insert **"public"**.

(Reference is to SB 501 as printed March 2, 2001.)

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