

**CONFERENCE COMMITTEE REPORT
DIGEST FOR ESB 501**

Citations Affected: IC 12-17.2-2-1.5; IC 20-9.1-1-4.5, IC 20-9.1-4, IC 20-9.1-5, IC 36-9-4-29.4.

Synopsis: Conference committee report for ESB 501. Transportation of children. Requires a person who transports children in the care of a child care center in a vehicle designed and constructed for the accommodation of more than 10 passengers to transport the children in a school bus or a special purpose bus. Requires the owner of a special purpose bus to present the special purpose bus for inspection at the time and place designated by the state police department. 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. Permits the use of a public transportation system to transport children if the motor carriage used is designed to carry at least 20 passengers. Provides that a preschool operated by a school corporation, a public elementary school, a public secondary school, or a child care center is not prohibited from contracting with a common carrier for incidental charter bus service for non-regular transportation as long as the carrier and the carrier's motor coach complies with federal safety regulations. Provides that if before July 1, 2001, a person owns a vehicle other than a school bus or a special purpose bus that is used to transport school children, the vehicle may be used to transport children until June 30, 2006. (This conference committee report adds back the inclusion of child care centers that transport children in vehicles designed and constructed for more than 10 passengers and the definition of "child care center". It changes from 30 to 20 passengers the size of a public transportation carrier that may transport children and changes the date for use of nonconforming vehicles from June 30, 2007 to June 30, 2006. The report adds new language concerning presentation of special purpose buses for state police inspection and contracting with common carriers for incidental charter bus service for children.)

Effective: July 1, 2001.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 501 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 12-17.2-2-1.5 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1.5. (a) The division
5 shall require all child care centers or child care homes to submit a
6 report containing the names and birth dates of all children who are
7 enrolled in the child care center or child care home within three (3)
8 months from the date the child care center or child care home accepts
9 its first child, upon receiving the consent of the child's parent, guardian,
10 or custodian as required under subsection (b). The division shall
11 require all child care centers and child care homes that receive written
12 consent as described under subsection (b) to submit a monthly report
13 of the name and birth date of each additional child who has been
14 enrolled **in** or withdrawn **in from** the child care center or child care
15 home during the preceding thirty (30) days.
16 (b) The division shall require all child care centers or child care
17 homes to request whether the child's parent, guardian, or custodian
18 desires the center or home to include the child's name and birth date in
19 the reports described under subsection (a) before enrolling the child in
20 the center or home. No child's name or birth date may be included on
21 the report required under subsection (a) without the signed consent of
22 the child's parent, guardian, or custodian. The consent form must be in

1 the following form:

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

6 Name of child _____

7 Birth date _____

8 Signature of parent, guardian, or custodian
9 _____

10 Date _____ "

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

14 **(d) The division shall require that a person who transports**
15 **children who are in the care of the child care center on a public**
16 **highway (as defined in IC 9-25-2-4) within or outside Indiana in a**
17 **vehicle designed and constructed for the accommodation of more**
18 **than ten (10) passengers must comply with the same requirements**
19 **set forth in IC 20-9.1-5-6.6 for a public elementary or secondary**
20 **school or a preschool operated by a school corporation."**

21 Page 2, between lines 9 and 10, begin a new paragraph and insert:

22 "SECTION 4. IC 20-9.1-4-5 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) The state police
24 department shall annually inspect all special purpose buses and school
25 buses, including those operated by any private school to transport its
26 pupils. The inspection of school buses shall determine whether each
27 school bus complies with the safety requirements prescribed for school
28 bus construction and equipment in the official rules and regulations of
29 the state school bus committee.

30 (b) The owner of a school bus **or special purpose bus** shall present
31 the school bus **or special purpose bus** for the inspection required
32 under subsection (a) at the time and place designated by the state police
33 department.

34 (c) If the inspection required under subsection (a) reveals that a
35 school bus meets all prescribed safety requirements, the inspecting
36 officer shall issue to the owner of the bus a certificate that the school
37 bus has been inspected and that it complies with the prescribed safety
38 requirements. Except as provided in subsections (e), (f), and (g), a
39 certificate of inspection issued under this subsection is valid until
40 September 30 of the school year following the school year for which
41 the certificate is issued.

42 (d) A school bus may not be used to transport passengers unless a
43 valid certificate of inspection issued under subsection (c) is displayed
44 as viewed from the outside on the lower left corner of the windshield
45 of the school bus. However, if the left corner position obstructs the
46 driver's view, the inspection sticker may be positioned on the bottom
47 of the windshield so as to minimize the obstruction to the driver's view.

48 (e) A school bus that is sold or has the ownership transferred to a
49 new owner must be presented for an inspection under subsection (b)
50 before the school bus may be used to transport passengers. If the school
51 bus meets the requirements specified in subsection (c), the state police

1 department shall issue a new certificate of inspection for the school
 2 bus. A certificate of inspection issued under this subsection is valid
 3 until September 30 of the school year following the school year for
 4 which the certificate is issued.

5 (f) In addition to the inspection required under subsection (a), a
 6 school bus that was manufactured at least twelve (12) years before the
 7 year for which a certificate of inspection is being sought must be
 8 presented for inspection not less than five (5) months nor more than
 9 seven (7) months after the inspection required under subsection (a) is
 10 completed. If the school bus meets the requirements specified in
 11 subsection (c), the state police department shall issue a new certificate
 12 of inspection for the school bus. A certificate of inspection issued for
 13 a school bus described in this subsection is valid for seven (7) months
 14 after the date of the certificate's issue.

15 (g) If a school bus has received damage in an accident that has put
 16 the school bus out of service because of passenger safety concerns, the
 17 school bus must be presented for an inspection under subsection (b)
 18 before the school bus may be used to transport passengers. If the school
 19 bus meets the requirements specified in subsection (c), the state police
 20 department shall issue a new certificate of inspection for the school
 21 bus. A certificate of inspection issued under this subsection is valid
 22 until September 30 of the school year following the school year for
 23 which the certificate is issued.

24 (h) The inspection of special purpose buses shall consist of an
 25 inspection to determine the existence and condition of the vehicle's:

- 26 (1) brakes;
- 27 (2) lights (headlamps, taillamps, brake, clearance lights, and turn
 28 signals);
- 29 (3) steering and suspension;
- 30 (4) exhaust systems;
- 31 (5) general body condition; and
- 32 (6) tires.

33 (i) A school bus or special purpose bus must be maintained to meet
 34 the minimum standards set forth by the state school bus committee
 35 when transporting passengers."

36 Page 3, line 14, after "(a)" insert "**As used in this section, "child
 37 care center" means a nonresidential building where at least one (1)
 38 child receives child care from a provider licensed under
 39 IC 12-17.2-4:**

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

45 (b)".

46 Page 3, between lines 27 and 28, begin a new paragraph and insert:
 47 "**(c) An individual or entity who transports children in the care
 48 of a child care center on a public highway (as defined in
 49 IC 9-25-2-4) within or outside of Indiana in a vehicle designed and
 50 constructed for the accommodation of more than ten (10)
 51 passengers shall transport the children only in a school bus or a**

- 1 **special purpose bus."**
- 2 Page 3, line 28, delete "(b)" and insert "(d)".
- 3 Page 3, line 30, delete "(a)" and insert "(b) or (c)".
- 4 Page 3, line 32, delete "(a)" and insert "(b) or (c)".
- 5 Page 3, line 34, delete "(c)" and insert "(e)".
- 6 Page 3, line 36, delete "thirty (30)" and insert "twenty (20)".
- 7 Page 3, between lines 37 and 38, begin a new paragraph and insert:
- 8 **"(f) This section does not prohibit a:**
- 9 **(1) preschool operated by a school corporation;**
- 10 **(2) public elementary school;**
- 11 **(3) public secondary school; or**
- 12 **(4) child care center;**
- 13 **from contracting with a common carrier for incidental charter bus**
- 14 **service for non-regular transportation as long as the carrier and**
- 15 **the carrier's motor coach comply with the Federal Motor Carrier**
- 16 **Safety Regulations as prescribed by the United States Department**
- 17 **of Transportation Federal Highway Administration."**
- 18 Page 5, line 2, delete "2007" and insert "2006".
- 19 Renumber all SECTIONS consecutively.
(Reference is to ESB 501 as reprinted April 12, 2001.)

Conference Committee Report
on
Engrossed Senate Bill 501

Signed by:

Senator Landske
Chairperson

Representative Brown C

Senator Rogers

Representative Hinkle

Senate Conferees

House Conferees