

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.

SENATE ENROLLED ACT No. 501

AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

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(b) to submit a monthly report of the name and birth date of each additional child who has been enrolled **in** or withdrawn **in from** the child care center or child care home during the preceding thirty (30) days.

(b) The division shall require all child care centers or child care homes to request whether the child's parent, guardian, or custodian desires the center or home to include the child's name and birth date in the reports described under subsection (a) before enrolling the child in the center or home. No child's name or birth date may be included on the report required under subsection (a) without the signed consent of the child's parent, guardian, or custodian. The consent form must be in the following form:

"I give my permission for _____ (name of day

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care center or home) to report the name and birth date of my child or children to the division of family and children pursuant to IC 12-17.2-2-1.5.

Name of child _____

Birth date _____

Signature of parent, guardian, or custodian _____

Date _____ "

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

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

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.

SECTION 3. IC 20-9.1-4-4.5, AS ADDED BY P.L.51-2000, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4.5. (a) As used in this section, "committee" refers to the state school bus committee created by this chapter.

(b) The committee shall adopt and enforce rules under IC 4-22-2 to require that each new school bus operated by or on behalf of a school corporation bear

- (1) ~~the name of the school district on the top of the school bus;~~
- and
- (2) ~~the number of the school district on the back of the school bus~~

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in black letters that are between four (4) inches and six (6) inches high.

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

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

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

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

(e) A school bus that is sold or has the ownership transferred to a new owner must be presented for an inspection under subsection (b) before the school bus may be used to transport passengers. If the school bus meets the requirements specified in subsection (c), the state police department shall issue a new certificate of inspection for the school bus. A certificate of inspection issued under this subsection is valid until September 30 of the school year following the school year for which the certificate is issued.

(f) In addition to the inspection required under subsection (a), a school bus that was manufactured at least twelve (12) years before the year for which a certificate of inspection is being sought must be presented for inspection not less than five (5) months nor more than seven (7) months after the inspection required under subsection (a) is completed. If the school bus meets the requirements specified in

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subsection (c), the state police department shall issue a new certificate of inspection for the school bus. A certificate of inspection issued for a school bus described in this subsection is valid for seven (7) months after the date of the certificate's issue.

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

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

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

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

SECTION 5. IC 20-9.1-5-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3.5. (a) In addition to the exemptions granted in this chapter and notwithstanding the provisions of section 18 of this chapter, any school corporation may permit a school bus operated under a fleet or transportation contract, and not owned in whole or in part by a public agency, to be used for transporting any group or organization for any distance, if that group or organization agrees to maintain the condition of the bus and to maintain order on the bus while in use.

(b) When authorizing such transportation, the school corporation shall require the owner of the bus to:

- (1) obtain written authorization of the superintendent of the contracting school corporation;
- (2) clearly identify the bus with the name of the sponsoring group; and
- (3) provide proof to the superintendent and the sponsoring group of financial responsibility, as required by IC 9-25 and



IC 20-9.1-2-6 for such transportation.

(c) The governing body of a school corporation may permit, by written authorization, the use of school buses owned in whole or in part by the school corporation for the transportation needs of a fair or festival operated by or affiliated with a nonprofit organization exempt from federal taxation under Section 501(c)(3) through 501(c)(7) of the Internal Revenue Code.

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

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

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

to and from programs for the developmentally disabled.

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

SECTION 7. IC 20-9.1-5-6.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 6.6. (a) As used in this section, "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.**

(b) This subsection does not apply to a developmentally disabled or physically disabled person who is provided transportation by a school corporation by means of a special purpose bus as provided



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in section 2.6(a)(3) of this chapter. An individual or entity who transports children in the care of a:

- (1) preschool operated by a school corporation;
- (2) public elementary school; or
- (3) public secondary school;

on a public highway (as defined in IC 9-25-2-4) within or outside of Indiana, shall transport the children only in a school bus. However, a special purpose bus may be used for transportation of the children to activities other than regular transportation between the residences of the children and the school.

(c) An individual or entity who transports children in the care of a child care center on a public highway (as defined in IC 9-25-2-4) within or outside of Indiana in a vehicle designed and constructed for the accommodation of more than ten (10) passengers shall transport the children only in a school bus or a special purpose bus.

(d) The operator of a:

- (1) school bus that transports children as required under subsection (b) or (c) shall meet the requirements of IC 20-9.1-3; and
- (2) special purpose bus that transports children as required under subsection (b) or (c) shall meet the requirements of section 2.6(c) of this chapter.

(e) This section does not prohibit the use of a public transportation system for the transportation of children if the motor carriage used is designed to carry twenty (20) or more passengers.

(f) This section does not prohibit a:

- (1) preschool operated by a school corporation;
- (2) public elementary school;
- (3) public secondary school; or
- (4) child care center;

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 comply with the Federal Motor Carrier Safety Regulations as prescribed by the United States Department of Transportation Federal Highway Administration.

SECTION 8. IC 20-9.1-5-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 22. ~~Penalties:~~ (a) **Except as provided in subsection (b) or in another section of this article**, a person who violates chapter 2, 2.5, 3, 4, or 5 of this article commits a Class C misdemeanor.



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(b) A person who violates section 6.6 of this chapter commits a Class B infraction.

SECTION 9. IC 36-9-4-29.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 29.4. (a) This section does not apply to a public transportation corporation located in a county having a consolidated city.

(b) A public transportation corporation may provide regularly scheduled passenger service to specifically designated locations outside the system's operational boundaries as described in IC 36-9-1-9 if all of the following conditions are met:

(1) The legislative body of the municipality approves any expansion of the service outside the municipality's corporate boundaries.

(2) The expanded service is reasonably required to do any of the following:

(A) Enhance employment opportunities in the new service area or the existing service area.

(B) Serve the elderly, disabled, or other persons who are in need of public transportation.

(3) The rates or compensation for the expanded service are sufficient, on a fully allocated cost basis, to prevent a property tax increase in the taxing district solely as a result of the expanded service.

(4) **Except as provided in subsection (e)**, the expanded service does not extend beyond the boundary of the county in which the corporation is located.

(5) The corporation complies with sections 29.5 and 29.6 of this chapter.

(c) Notwithstanding section 39 of this chapter, a public transportation corporation may provide demand responsive service outside of the system's operational boundaries as described in IC 36-9-1-9 if the conditions listed in subsection (b) are met.

(d) The board may contract with a private operator for the operation of an expanded service under this section.

(e) Subsection (b)(4) does not apply to a special purpose bus (as defined in IC 20-9.1-1-4.5) or a school bus (as defined in IC 20-9.1-1-5) that provides expanded service for a purpose permitted under IC 20-9.1-5.

SECTION 10. [EFFECTIVE JULY 1, 2001] (a) **If an individual or entity described in IC 20-9.1-5-6.6, as added by this act, owns a vehicle other than a school bus (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**

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this act) before July 1, 2001, the person may continue to use the vehicle to transport children until June 30, 2006.

(b) If a person described in IC 20-9.1-5-6.6, as added by this act, has contracted for the use of a vehicle other than a school bus (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) before July 1, 2001, the person may continue to use the vehicle to transport children until the contract expires.

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Approved: _____

Governor of the State of Indiana

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