

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1237 be amended to read as follows:

- 1 Page 2, line 23, reset in roman "(a)".
- 2 Page 2, line 27, reset in roman "(b) For purposes of IC 9-19-10, the
- 3 term includes".
- 4 Page 2, line 27, reset in roman "school".
- 5 Page 2, line 29, after "vehicles." insert "**buses.**".
- 6 Page 3, line 10, after "2." insert "**(a) Beginning July 1, 2009, this**
- 7 **section does not apply to an occupant of a school bus.**
- 8 **(b)**".
- 9 Page 3, after line 17, begin a new paragraph and insert:
- 10 "SECTION 8. IC 9-19-10-2.3 IS ADDED TO THE INDIANA
- 11 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 12 [EFFECTIVE JULY 1, 2007]: **Sec. 2.3. (a) This section applies**
- 13 **beginning July 1, 2009.**
- 14 **(b) A school bus initially placed into service after June 30, 2009,**
- 15 **must be equipped, for each occupant, with a safety belt meeting the**
- 16 **standards established by the school bus committee under section**
- 17 **6(d) of this chapter.**
- 18 **(c) Each occupant of a school bus referenced in subsection (b)**
- 19 **shall have a safety belt properly fastened about the occupant's**
- 20 **body at all times when the school bus is in forward motion.**
- 21 SECTION 9. IC 9-19-10-6 IS AMENDED TO READ AS
- 22 FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 6. (a) Except as**
- 23 **provided in subsection (d), a safety belt must be of a type and must be**
- 24 **installed in a manner approved by the bureau.**

1           **(b) Except as provided in subsection (d)**, the bureau shall establish  
 2 specifications and requirements for approved types of safety belts and  
 3 attachments to the safety belts.

4           **(c) For purposes of subsections (a) and (b)**, the bureau shall  
 5 accept, as approved, a **seat safety** belt installation and the belt and  
 6 anchor meeting the Society of Automotive Engineers' specifications.

7           **(d) The state school bus committee established by IC 20-27-3-1**  
 8 **shall adopt rules under IC 4-22-2 establishing standards and**  
 9 **requirements for safety belts and attachments to safety belts for**  
 10 **use in school buses.**

11           SECTION 10. IC 9-19-10-7 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) Failure to comply  
 13 with section 1, 2, **2.3**, 3, or 4 of this chapter does not constitute fault  
 14 under IC 34-51-2 and does not limit the liability of an insurer.

15           (b) Except as provided in subsection (c), evidence of the failure to  
 16 comply with section 1, 2, **2.3**, 3, or 4 of this chapter may not be  
 17 admitted in a civil action to mitigate damages.

18           (c) Evidence of a failure to comply with this chapter may be  
 19 admitted in a civil action as to mitigation of damages in a product  
 20 liability action involving a motor vehicle restraint or supplemental  
 21 restraint system. The defendant in such an action has the burden of  
 22 proving noncompliance with this chapter and that compliance with this  
 23 chapter would have reduced injuries, and the extent of the reduction.

24           SECTION 11. IC 9-19-10-8.5 IS ADDED TO THE INDIANA  
 25 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 26 [EFFECTIVE JULY 1, 2007]: **Sec. 8.5. The operator of a school bus**  
 27 **who permits a violation of section 2.3(c) of this chapter commits a**  
 28 **Class D infraction.**

29           SECTION 12. IC 9-19-10-9 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. A person who  
 31 violates section 5 ~~or~~ 6 of this chapter commits a Class C infraction.

32           SECTION 13. IC 20-27-3-4, AS AMENDED BY P.L.107-2006,  
 33 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2007]: Sec. 4. (a) The committee has the following powers:

35           (1) The committee may adopt rules under IC 4-22-2 establishing  
 36 standards for the construction of school buses and special purpose  
 37 buses, including minimum standards for the construction of  
 38 school buses and special purpose buses necessary to be issued a:

39           (A) valid certificate of inspection decal; and

40           (B) temporary certificate of inspection decal described in  
 41 IC 20-27-7-10.

42           (2) **Except as provided in subsection (b)(2)**, the committee may  
 43 adopt rules under IC 4-22-2 establishing standards for the  
 44 equipment of school buses and special purpose buses, including  
 45 minimum standards for the equipment of school buses and special  
 46 purpose buses necessary to be issued a:

- 1 (A) valid certificate of inspection decal; and  
 2 (B) temporary certificate of inspection decal described in  
 3 IC 20-27-7-10.
- 4 (3) The committee may adopt rules under IC 4-22-2 specifying  
 5 the minimum standards that must be met to avoid the issuance of  
 6 an out-of-service certificate of inspection decal.
- 7 (4) The committee may provide for the inspection of all school  
 8 buses and special purpose buses, new or old, that are offered for  
 9 sale, lease, or contract.
- 10 (5) The committee may provide for the annual inspection of all  
 11 school buses and special purpose buses and the issuance of  
 12 certificate of inspection decals.
- 13 (6) The committee may maintain an approved list of school buses  
 14 and special purpose buses that have passed inspection tests under  
 15 subdivision (4) or (5).
- 16 (7) The committee may, subject to approval by the state board of  
 17 accounts, prescribe standard forms for school bus driver contracts.
- 18 (8) The committee may hear appeals brought under  
 19 IC 20-27-7-15.
- 20 (b) The committee shall adopt rules under IC 4-22-2 to:
- 21 (1) set performance standards and measurements for determining  
 22 the physical ability necessary for an individual to be a school bus  
 23 driver; **and**
- 24 (2) **establish standards and requirements for safety belts and**  
 25 **attachments to safety belts for use in school buses as required**  
 26 **under IC 9-19-10-6(d).**
- 27 (c) The certificate of inspection decals shall be issued to correspond  
 28 with each school year. Each certificate of inspection decal expires on  
 29 September 30 following the school year in which the certificate of  
 30 inspection decal is effective. However, for buses that are described in  
 31 IC 20-27-7-7, the certificate of inspection decal expires on a date that  
 32 is not later than seven (7) months after the date of the first inspection  
 33 for the particular school year."
- 34 Renumber all SECTIONS consecutively.  
 (Reference is to HB 1237 as introduced.)

---

Representative Stutzman