



March 27, 2009

**ENGROSSED
HOUSE BILL No. 1339**

DIGEST OF HB 1339 (Updated March 24, 2009 12:18 pm - DI 71)

Citations Affected: IC 9-13; IC 9-19; IC 20-27.

Synopsis: Child restraint systems; special purpose buses. Repeals and revises the child restraint system law to eliminate certain exceptions for drivers from outside Indiana. Revises the definition of antique motor vehicle for purposes of the child restraint system law to include only motor vehicles that were manufactured without a safety belt as a part of the original manufacturer's equipment. Revises the definition of school bus for purposes of the child restraint system law. Specifies that a person may not be found to have violated the child restraint system law if person presents a certificate issued by a physician, physician's assistant, or advanced practice nurse stating that it would be impractical to require that a child be fastened and restrained by a child restraint system because of a physical condition, including physical deformity, or a medical condition. Requires the department of education by September 1, 2009, to develop and implement a plan to promote safe driving practices for drivers of special purpose buses. Requires the operator of a special purpose bus with a capacity of less than 16 passengers to: (1) hold a valid operator's, chauffeur's, public passenger chauffeur's, or commercial driver's license; and (2) meet certain requirements for a school bus driver.

Effective: July 1, 2009.

Welch, Soliday, Lawson L, Austin

(SENATE SPONSORS — WYSS, ARNOLD)

January 13, 2009, read first time and referred to Committee on Roads and Transportation.
February 17, 2009, amended, reported — Do Pass.
February 20, 2009, read second time, ordered engrossed. Engrossed.
February 25, 2009, read third time, passed. Yeas 69, nays 28.

SENATE ACTION

March 2, 2009, read first time and referred to Committee on Homeland Security, Transportation and Veterans Affairs.
March 26, 2009, amended, reported favorably — Do Pass.

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March 27, 2009

First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1339

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

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

1 SECTION 1. IC 9-13-2-3 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) **Except as provided in**
3 **subsection (b)**, "antique motor vehicle" means a motor vehicle or
4 motor scooter that is at least twenty-five (25) years old.

5 (b) "Antique motor vehicle", for purposes of IC 9-19-11-1(6),
6 means a passenger motor vehicle or truck that was manufactured
7 without a safety belt as a part of the standard equipment installed
8 by the manufacturer at each designated seating position, before the
9 requirement of the installation of safety belts in the motor vehicle
10 according to the standards stated in the Federal Motor Vehicle
11 Safety Standard Number 208 (49 CFR 571.208).

12 SECTION 2. IC 9-13-2-161 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 161. (a) "School bus"
14 means, except as provided in ~~subsection~~ subsections (b) and (c), a:

- 15 (1) bus;
16 (2) hack;
17 (3) conveyance;

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1 (4) commercial motor vehicle; or
 2 (5) motor vehicle;
 3 used to transport preschool, elementary, or secondary school children
 4 to and from school and to and from school athletic games or contests
 5 or other school functions. The term does not include a privately owned
 6 automobile with a capacity of not more than five (5) passengers that is
 7 used for the purpose of transporting school children to and from school.

8 (b) "School bus", for purposes of IC 9-21, means a motor vehicle
 9 owned by a public or governmental agency and operated for the
 10 transportation of children to or from school, including project
 11 headstart, or privately owned and operated for compensation for the
 12 transportation of children to and from school, including project
 13 headstart.

14 (c) "School bus", for purposes of IC 9-19-11-1(1), means a
 15 motor vehicle:

16 (1) that meets the federal school bus safety requirements
 17 under 49 U.S.C. 30125; or

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

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

22 (B) flashing lamps required under federal motor vehicle
 23 safety standard (FMVSS) no. 108.

24 SECTION 3. IC 9-19-11-2, AS AMENDED BY P.L.2-2005,
 25 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2009]: Sec. 2. (a) A person who

27 (1) holds an Indiana driver's license; and
 28 (2) operates a motor vehicle in which there is a child less than
 29 eight (8) years of age who is not properly fastened and restrained
 30 according to the child restraint system manufacturer's instructions
 31 by a child restraint system

32 commits a Class D infraction. ~~unless it is reasonably determined that~~
 33 ~~the child will not fit in a child restraint system.~~ **A person may not be**
 34 **found to have violated this subsection if the person carries a**
 35 **certificate from a physician, physician's assistant, or advanced**
 36 **practice nurse stating that it would be impractical to require that**
 37 **a child be fastened and restrained by a child restraint system**
 38 **because of:**

39 (1) a physical condition, including physical deformity; or
 40 (2) a medical condition;

41 of the child and presents the certificate to the police officer or the
 42 court.

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1 (b) Notwithstanding IC 34-28-5-5(c), funds collected as judgments
2 for violations under this section shall be deposited in the child restraint
3 system account established by section 9 of this chapter.

4 SECTION 4. IC 9-19-11-3.7 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3.7. Notwithstanding
6 sections 2 ~~3~~; ~~3.3~~; and 3.6 of this chapter, a person may operate a motor
7 vehicle in which there is a child who weighs more than forty (40)
8 pounds and who is properly restrained and fastened by a lap safety belt
9 if:

- 10 (1) the motor vehicle is not equipped with lap and shoulder safety
- 11 belts; or
- 12 (2) not including the operator's seat and the front passenger seat:
- 13 (A) the motor vehicle is equipped with one (1) or more lap and
- 14 shoulder safety belts; and
- 15 (B) all the lap and shoulder safety belts are being used to
- 16 properly restrain other children who are less than sixteen (16)
- 17 years of age.

18 SECTION 5. IC 20-27-8-10.5 IS ADDED TO THE INDIANA
19 CODE AS A NEW SECTION TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2009]: Sec. 10.5. (a) Not later than
21 September 1, 2009, the department shall:

- 22 (1) develop;
 - 23 (2) provide to the general assembly and the public; and
 - 24 (3) implement;
- 25 a plan to promote safe driving practices for drivers of special
26 purpose buses.

27 (b) The plan developed under subsection (a) must provide clear,
28 concise information concerning statutes and rules that affect
29 special purpose buses and special purpose bus drivers.

30 (c) The department shall update the plan developed under
31 subsection (a) as necessary.

32 (d) The department shall distribute the plan developed under
33 subsection (a) in the most cost effective manner, as determined by
34 the department.

35 SECTION 6. IC 20-27-8-16, AS ADDED BY P.L.231-2005,
36 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2009]: Sec. 16. (a) Except as provided in subsection (b) and
38 section 3(b) of this chapter, a person who knowingly, intentionally, or
39 recklessly violates this chapter commits a Class C misdemeanor.

40 (b) A person who knowingly, intentionally, or recklessly violates
41 section 10.5(c) of this chapter commits a Class C infraction.

42 SECTION 7. IC 20-27-9-5, AS AMENDED BY P.L.99-2007,

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1 SECTION 171, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) A special purpose bus may be
 3 used:

4 (1) by a school corporation to provide regular transportation of a
 5 student between one (1) school and another school but not
 6 between the student's residence and the school;

7 (2) to transport students and their supervisors, including coaches,
 8 managers, and sponsors to athletic or other extracurricular school
 9 activities and field trips;

10 (3) by a school corporation to provide transportation between an
 11 individual's residence and the school for an individual enrolled in
 12 a special program for the habilitation or rehabilitation of persons
 13 with a developmental or physical disability; and

14 (4) to transport homeless students under IC 20-27-12.

15 (b) The mileage limitation of section 3 of this chapter does not apply
 16 to special purpose buses.

17 (c) The operator of a special purpose bus must be at least
 18 twenty-one (21) years of age, be authorized by the school corporation,
 19 and meet the following requirements:

20 (1) If the special purpose bus has a capacity of less than sixteen
 21 (16) passengers, the operator must:

22 (A) hold a valid:

23 (i) operator's;

24 (ii) chauffeur's; or

25 (iii) public passenger chauffeur's; or

26 (iv) **commercial driver's;**

27 license; **and**

28 **(B) meet the requirements for a school bus driver set forth**
 29 **in IC 20-27-8-4.**

30 (2) If the special purpose bus has a capacity of more than fifteen
 31 (15) passengers, the operator must meet the requirements for a
 32 school bus driver set out in IC 20-27-8.

33 (d) A special purpose bus is not required to be constructed,
 34 equipped, or painted as specified for school buses under this article or
 35 by the rules of the committee.

36 (e) An owner or operator of a special purpose bus, other than a
 37 special purpose bus owned or operated by a school corporation or a
 38 nonpublic school, is subject to IC 8-2.1.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1339, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 18, delete ":".

Page 2, line 19, delete "(A)".

Page 2, run in lines 18 through 19.

Page 2, line 21, delete "(i)", begin a new line double block indented and insert:

"(A)".

Page 2, line 23, delete "(ii)", begin a new line double block indented and insert:

"(B)".

Page 2, line 24, delete "108;" and insert "**108.**".

Page 2, delete lines 25 through 38.

Page 3, delete lines 33 through 42, begin a new paragraph and insert:

"SECTION 5. IC 20-27-8-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 10.5. (a) By July 1, 2010, the department shall develop and implement a preservice special purpose bus operator safety education training course.**

(b) The preservice special purpose bus operator safety education training course must not exceed ten (10) hours in length.

(c) Effective July 1, 2010, a person may not operate a special purpose bus for a public or nonpublic school that is accredited by the state board within Indiana without having satisfactorily completed the preservice special purpose bus operator safety education training course.

(d) The state superintendent shall provide instructors, adequate meeting facilities, registration forms, a uniform course of instruction, and all other necessary materials for the preservice special purpose bus operator safety education training course meetings.

SECTION 6. IC 20-27-8-16, AS ADDED BY P.L.231-2005, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 16. (a) Except as provided in subsection (b) and section 3(b) of this chapter, a person who knowingly, intentionally, or recklessly violates this chapter commits a Class C misdemeanor.**

(b) A person who knowingly, intentionally, or recklessly violates section 10.5(c) of this chapter commits a Class C infraction.

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SECTION 7. IC 20-27-9-5, AS AMENDED BY P.L.99-2007, SECTION 171, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) A special purpose bus may be used:

- (1) by a school corporation to provide regular transportation of a student between one (1) school and another school but not between the student's residence and the school;
- (2) to transport students and their supervisors, including coaches, managers, and sponsors to athletic or other extracurricular school activities and field trips;
- (3) by a school corporation to provide transportation between an individual's residence and the school for an individual enrolled in a special program for the habilitation or rehabilitation of persons with a developmental or physical disability; and
- (4) to transport homeless students under IC 20-27-12.

(b) The mileage limitation of section 3 of this chapter does not apply to special purpose buses.

(c) The operator of a special purpose bus must be at least twenty-one (21) years of age, be authorized by the school corporation, and meet the following requirements:

- (1) If the special purpose bus has a capacity of less than sixteen (16) passengers, the operator must:

(A) hold a valid:

- (i) operator's;
- (ii) chauffeur's; or
- (iii) public passenger chauffeur's; or
- (iv) **commercial driver's;**

license;

(B) meet the requirements for a school bus driver set forth in IC 20-27-8-4; and

(C) effective July 1, 2010, meet the requirements for an operator of a special purpose bus set forth in IC 20-27-8-10.5.

- (2) If the special purpose bus has a capacity of more than fifteen (15) passengers, the operator must meet the requirements for a school bus driver set out in IC 20-27-8.

(d) A special purpose bus is not required to be constructed, equipped, or painted as specified for school buses under this article or by the rules of the committee.

(e) An owner or operator of a special purpose bus, other than a

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special purpose bus owned or operated by a school corporation or a nonpublic school, is subject to IC 8-2.1."

Page 4, delete lines 1 through 27.

and when so amended that said bill do pass.

(Reference is to HB 1339 as introduced.)

AUSTIN, Chair

Committee Vote: yeas 11, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred House Bill No. 1339, 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 32, after "infraction" delete "," and insert ".".

Page 2, line 32, strike "unless it is".

Page 2, line 32, strike "determined that".

Page 2, line 33, strike "the child will not fit in a child restraint system."

Page 2, line 34, delete "court determines" and insert "**person carries a certificate from a physician, physician's assistant, or advanced practice nurse stating**".

Page 2, line 37, after "deformity;" insert "**or**".

Page 2, line 38, delete "or".

Page 2, delete line 39.

Page 2, line 40, after "child" delete "." and insert "**and presents the certificate to the police officer or the court.**".

Page 2, line 40, delete "In making its determination, the court may require".

Page 2, delete lines 41 through 42.

Page 3, line 20, delete "By July 1, 2010," and insert "**Not later than September 1, 2009,**".

Page 3, line 21, delete "shall develop and implement a preservice special" and insert "**shall:**

(1) develop;

(2) provide to the general assembly and the public; and

(3) implement;

a plan to promote safe driving practices for drivers of special

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purpose buses.

(b) The plan developed under subsection (a) must provide clear, concise information concerning statutes and rules that affect special purpose buses and special purpose bus drivers.

(c) The department shall update the plan developed under subsection (a) as necessary.

(d) The department shall distribute the plan developed under subsection (a) in the most cost effective manner, as determined by the department."

Page 3, delete lines 22 through 34.

Page 4, line 27, after "license;" insert "**and**".

Page 4, line 29, delete "IC 20-27-8-4; and" and insert "**IC 20-27-8-4**".

Page 4, delete lines 30 through 32.

and when so amended that said bill do pass.

(Reference is to HB 1339 as printed February 18, 2009.)

WYSS, Chairperson

Committee Vote: Yeas 7, Nays 0.

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