



February 18, 2009

# HOUSE BILL No. 1339

DIGEST OF HB 1339 (Updated February 11, 2009 4:20 pm - DI 96)

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

**Synopsis:** Motor vehicle child restraint systems. 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 the court determines 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, a medical condition, or the size of the child. Requires the department of education by July 1, 2010, to develop and implement a preservice special purpose bus operator safety education training course. Makes it a Class C infraction after July 1, 2010, for a person to knowingly, recklessly, or intentionally operate a special purpose bus for a public or nonpublic school that is accredited by the state board of education without having satisfactorily completed the preservice special purpose bus operator safety education training course. 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.

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**Welch, Soliday, Lawson L, Austin**

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January 13, 2009, read first time and referred to Committee on Roads and Transportation.  
February 17, 2009, amended, reported — Do Pass.

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February 18, 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.

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## 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 court determines that  
 35 it would be impractical to require that a child be fastened and  
 36 restrained by a child restraint system because of:**

37 (1) a physical condition, including physical deformity;

38 (2) a medical condition; or

39 (3) the size;

40 of the child. In making its determination, the court may require  
 41 proof of the physical condition or physical deformity of the child,  
 42 the medical condition, or the size of the child.

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

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

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

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.**

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;  
 28 (B) **meet the requirements for a school bus driver set forth**  
 29 **in IC 20-27-8-4; and**  
 30 (C) **effective July 1, 2010, meet the requirements for an**  
 31 **operator of a special purpose bus set forth in**  
 32 **IC 20-27-8-10.5.**  
 33 (2) If the special purpose bus has a capacity of more than fifteen  
 34 (15) passengers, the operator must meet the requirements for a  
 35 school bus driver set out in IC 20-27-8.  
 36 (d) A special purpose bus is not required to be constructed,  
 37 equipped, or painted as specified for school buses under this article or  
 38 by the rules of the committee.  
 39 (e) An owner or operator of a special purpose bus, other than a  
 40 special purpose bus owned or operated by a school corporation or a  
 41 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.

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