

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.

HOUSE ENROLLED ACT No. 1339

AN ACT to amend the Indiana Code concerning motor vehicles.

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

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

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

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

- (1) bus;
- (2) hack;
- (3) conveyance;
- (4) commercial motor vehicle; or
- (5) motor vehicle;

used to transport preschool, elementary, or secondary school children to and from school and to and from school athletic games or contests or other school functions. The term does not include a privately owned

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automobile with a capacity of not more than five (5) passengers that is used for the purpose of transporting school children to and from school.

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

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

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

(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.

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

~~(1) holds an Indiana driver's license; and~~

~~(2) operates a motor vehicle in which there is a child less than eight (8) years of age who is not properly fastened and restrained according to the child restraint system manufacturer's instructions by a child restraint system~~

~~commits a Class D infraction. unless it is reasonably determined that the child will not fit in a child restraint system. A person may not be found to have violated this subsection if the person carries a certificate from 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:~~

~~(1) a physical condition, including physical deformity; or~~

~~(2) a medical condition;~~

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

(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

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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) Not later than September 1, 2009, the department 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 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.

SECTION 6. 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

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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; and

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

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

SECTION 7. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2009]: IC 9-19-11-3; IC 9-19-11-3.3.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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