
HOUSE BILL No. 1339

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2; IC 9-19-11; IC 20-27-9-5.

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. Eliminates the requirement that a special purpose bus must be required to be constructed, equipped, or painted as specified for school 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 the requirements for a school bus driver.

Effective: July 1, 2009.

Welch, Soliday, Lawson L

January 13, 2009, read first time and referred to Committee on Roads and Transportation.

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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;



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:

19 (A) meets the federal school bus safety requirements under
 20 49 U.S.C. 30125 except the:

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

23 (ii) flashing lamps required under federal motor vehicle
 24 safety standard (FMVSS) no. 108;

25 (B) when owned by a school (as defined in IC 20-20-4-3) or
 26 a nonaccredited, nonpublic school (as defined in
 27 IC 20-33-2-12(a)) and used to transport students, complies
 28 with the Federal Motor Carrier Safety Regulations as
 29 prescribed by the United States Department of
 30 Transportation Federal Motor Carrier Safety
 31 Administration as set forth in 49 CFR Chapter III
 32 Subchapter B; or

33 (C) when owned by a school (as defined in IC 20-20-4-3) or
 34 a nonaccredited, nonpublic school (as defined in
 35 IC 20-33-2-12(a)) and used to transport students, is a
 36 motor coach type bus with a capacity of at least thirty (30)
 37 passengers and a gross vehicle weight rating greater than
 38 twenty-six thousand (26,000) pounds.

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

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

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

5 commits a Class D infraction, unless it is ~~reasonably~~ determined that
6 the child will not fit in a child restraint system. **A person may not be
7 found to have violated this subsection if the court determines that
8 it would be impractical to require that a child be fastened and
9 restrained by a child restraint system because of:**

- 10 **(1) a physical condition, including physical deformity;**
- 11 **(2) a medical condition; or**
- 12 **(3) the size;**

13 **of the child. In making its determination, the court may require
14 proof of the physical condition or physical deformity of the child,
15 the medical condition, or the size of the child.**

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

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

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

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

- 37 (1) by a school corporation to provide regular transportation of a
38 student between one (1) school and another school but not
39 between the student's residence and the school;
- 40 (2) to transport students and their supervisors, including coaches,
41 managers, and sponsors to athletic or other extracurricular school
42 activities and field trips;

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1 (3) by a school corporation to provide transportation between an
 2 individual's residence and the school for an individual enrolled in
 3 a special program for the habilitation or rehabilitation of persons
 4 with a developmental or physical disability; and
 5 (4) to transport homeless students under IC 20-27-12.
 6 (b) The mileage limitation of section 3 of this chapter does not apply
 7 to special purpose buses.
 8 (c) The operator of a special purpose bus must be at least
 9 twenty-one (21) years of age, be authorized by the school corporation,
 10 and meet the following requirements:
 11 (1) If the special purpose bus has a capacity of less than sixteen
 12 (16) passengers, the operator must:
 13 (A) hold a valid operator's, chauffeur's, or public passenger
 14 chauffeur's, or **commercial driver's** license; and
 15 (B) **meet the requirements for a school bus driver set forth**
 16 **in IC 20-27-8.**
 17 (2) If the special purpose bus has a capacity of more than fifteen
 18 (15) passengers, the operator must meet the requirements for a
 19 school bus driver set out in IC 20-27-8.
 20 ~~(d) A special purpose bus is not required to be constructed;~~
 21 ~~equipped; or painted as specified for school buses under this article or~~
 22 ~~by the rules of the committee.~~
 23 ~~(e)~~ (d) An owner or operator of a special purpose bus, other than a
 24 special purpose bus owned or operated by a school corporation or a
 25 nonpublic school, is subject to IC 8-2.1.
 26 SECTION 6. THE FOLLOWING ARE REPEALED [EFFECTIVE
 27 JULY 1, 2009]: IC 9-19-11-3; IC 9-19-11-3.3.

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