
SENATE BILL No. 406

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-19-13; IC 20-27-3-6.5; IC 34-31-9.

Synopsis: Use of school bus safety belts. Requires that the state school bus committee adopt and enforce rules to require that a person operating a school bus equipped with safety belts provide instruction to the passengers on the school bus at least one time a semester on the proper fastening of the safety belt about the passenger's body, and that the failure to provide the instruction subjects: (1) an employee of a school corporation to removal from employment; and (2) a person operating a school bus under contract to cancellation of the contract. Provides that a school corporation or an employee of, volunteer for, or independent contractor who performs services for a school corporation is not liable for an injury to or the death of a passenger on a school bus equipped with safety belts if the passenger: (1) was required to and instructed on the proper way to wear a safety belt and the injury to or death of the passenger was caused by the passenger not wearing a safety belt or wearing a safety belt in an improper manner; or (2) was not required to wear a safety belt and the injury to or death of the passenger was caused by the passenger wearing a safety belt in an improper manner.

Effective: July 1, 2011.

Rogers

January 11, 2011, read first time and referred to Committee on Education and Career Development.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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SENATE BILL No. 406



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

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

1 SECTION 1. IC 9-19-13-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. An officer or
3 employee of a school corporation who:

4 (1) violates any of the rules, **including those adopted as**
5 **required by IC 20-27-3-6.5**, adopted by the state school bus
6 committee concerning the design and operation of school buses;
7 or

8 (2) fails to include an obligation to comply with those rules in a
9 contract executed by the officer or employee on behalf of a school
10 corporation;

11 is guilty of misconduct and subject to removal from office or
12 employment.

13 SECTION 2. IC 9-19-13-3 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. A person operating
15 a school bus under contract with a school corporation who fails to
16 comply with any of the rules, **including those adopted as required by**
17 **IC 20-27-3-6.5**, adopted by the state school bus committee concerning



1 the design and operation of school buses is guilty of breach of contract.
2 The contract may be canceled after notice and hearing by responsible
3 officers of the school corporation.

4 SECTION 3. IC 20-27-3-6.5 IS ADDED TO THE INDIANA CODE
5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
6 1, 2011]: **Sec. 6.5. The committee shall adopt and enforce rules
7 under IC 4-22-2 to require that a person operating a school bus
8 that is equipped with safety belts meeting the standards set forth
9 in IC 9-19-10-2 provide instruction to the passengers on the school
10 bus at least one (1) time a semester on the proper fastening of the
11 safety belt about the passenger's body.**

12 SECTION 4. IC 34-31-9 IS ADDED TO THE INDIANA CODE AS
13 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
14 1, 2011]:

15 **Chapter 9. Limited Liability of School Corporations for**
16 **Damages Caused by School Bus Safety Belt Use**

17 **Sec. 1. As used in this chapter, "school bus" means a motor**
18 **vehicle that is:**

- 19 (1) **designed and constructed for the accommodation of**
- 20 **passengers;**
- 21 (2) **used for the transportation of Indiana school children;**
- 22 (3) **operated by or on behalf of a school corporation; and**
- 23 (4) **equipped with safety belts.**

24 **Sec. 2. As used in this chapter, "school corporation" means any**
25 **of the following:**

- 26 (1) **A local public school corporation established under**
- 27 **Indiana law.**
- 28 (2) **A charter school established under IC 20-24.**

29 **Sec. 3. A school corporation or an employee of, volunteer for, or**
30 **independent contractor who performs services for a school**
31 **corporation is not liable for an injury to or the death of a**
32 **passenger on a school bus if:**

- 33 (1) **the:**
- 34 (A) **passenger was:**
- 35 (i) **required by the school corporation or the employee,**
- 36 **volunteer, or independent contractor to wear a safety**
- 37 **belt; and**
- 38 (ii) **instructed by the school corporation or the employee,**
- 39 **volunteer, or independent contractor on the proper way**
- 40 **to wear the safety belt at least once before being a**
- 41 **passenger on the school bus; and**
- 42 (B) **injury to or death of the passenger was caused by the**

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passenger:
 (i) not wearing a safety belt; or
 (ii) wearing a safety belt in an improper manner; or
(2) the:
 (A) passenger was not required by the school corporation
 or the employee, volunteer, or independent contractor to
 wear a safety belt; and
 (B) injury to or death of the passenger was caused by the
 passenger wearing a safety belt in an improper manner.

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