



February 22, 2006

**ENGROSSED
SENATE BILL No. 305**

DIGEST OF SB 305 (Updated February 21, 2006 11:44 am - DI 96)

Citations Affected: IC 9-13; IC 9-21; IC 20-27.

Synopsis: Special purpose buses. Requires a special purpose bus to stop before crossing railroad tracks. Provides that a school bus or special purpose bus may not be operated with passengers on board if an exit or emergency exit window is obstructed, and makes a violation a Class B infraction. Allows the state school bus committee to adopt rules concerning special purpose buses.

Effective: July 1, 2006.

Rogers, Young R Michael

(HOUSE SPONSORS — HINKLE, KLINKER)

January 9, 2006, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

January 26, 2006, amended, reported favorably — Do Pass.

January 30, 2006, read second time, ordered engrossed. Engrossed.

February 2, 2006, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

February 7, 2006, read first time and referred to Committee on Roads and Transportation.

February 21, 2006, amended, reported — Do Pass.

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February 22, 2006

Second Regular Session 114th General Assembly (2006)

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 2005 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 305

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 9-13-2-170.7 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2006]: **Sec. 170.7. "Special purpose bus", for**
4 **purposes of IC 9-21-12, has the meaning set forth in IC 20-27-2-10.**
5 SECTION 2. IC 9-21-12-11, AS AMENDED BY P.L.231-2005,
6 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2006]: Sec. 11. (a) A person who violates section 5, 6, or 7 of
8 this chapter commits a Class C infraction.
9 (b) A person who knowingly or intentionally violates section 12, 13,
10 14, 15, 16, or 17 of this chapter commits a Class C misdemeanor.
11 (c) **A person who violates section 18 of this chapter commits a**
12 **Class B infraction.**
13 SECTION 3. IC 9-21-12-17, AS ADDED BY P.L.1-2005,
14 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2006]: Sec. 17. (a) Except as provided in subsection (b),
16 before crossing any railroad track at grade, the driver of a school bus
17 **or special purpose bus** carrying a passenger shall stop the bus within

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- 1 fifty (50) feet but not less than fifteen (15) feet from the nearest rail.
- 2 While the bus is stopped, the driver shall:
- 3 (1) listen through an open door;
- 4 (2) look in both directions along the track for an approaching
- 5 train; and
- 6 (3) look for signals indicating the approach of a train.

7 The driver may not proceed until it is safe to proceed. When it is safe
 8 to proceed, the driver shall select a gear that will allow the driver to
 9 cross the tracks without changing gears. The driver may not shift gears
 10 while crossing the tracks.

11 (b) The driver is not required to stop when a police officer is
 12 directing the flow of traffic across railroad tracks.

13 (c) Upon conviction of a violation of this section, a driver shall have
 14 the driver's operator's license suspended for a period of not less than
 15 sixty (60) days in addition to the penalties provided by section 11 of
 16 this chapter.

17 SECTION 4. IC 9-21-12-18 IS ADDED TO THE INDIANA CODE
 18 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 19 1, 2006]: **Sec. 18. (a) Whenever a school bus or special purpose bus
 20 is at a place of departure for transporting passengers, the school
 21 bus or special purpose bus emergency escape exits, doors,
 22 emergency exit windows, roof exits, and service doors must be free
 23 of any obstruction that:**

- 24 (1) **inhibits or obstructs an exit; or**
- 25 (2) **renders the means of exit hazardous.**
- 26 **(b) A school corporation or an entity that employs a:**
- 27 (1) **driver who knowingly violates this section; or**
- 28 (2) **person who knowingly directs a person to violate this**
- 29 **section;**
- 30 **is subject to the penalties provided in section 11 of this chapter.**

31 SECTION 5. IC 20-27-3-4, AS ADDED BY P.L.1-2005, SECTION
 32 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 33 2006]: Sec. 4. (a) The committee has the following powers:

- 34 (1) The committee may adopt rules under IC 4-22-2 establishing
 35 standards for the construction of school buses **and special**
 36 **purpose buses**, including minimum standards for the construction
 37 of school buses **and special purpose buses** necessary to be issued
 38 a:
- 39 (A) valid certificate of inspection decal; and
- 40 (B) temporary certificate of inspection decal described in
 41 IC 20-27-7-10.
- 42 (2) The committee may adopt rules under IC 4-22-2 establishing

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1 standards for the equipment of school buses **and special purpose**
 2 **buses**, including minimum standards for the equipment of school
 3 buses **and special purpose buses** necessary to be issued a:
 4 (A) valid certificate of inspection decal; and
 5 (B) temporary certificate of inspection decal described in
 6 IC 20-27-7-10.
 7 (3) The committee may adopt rules under IC 4-22-2 specifying
 8 the minimum standards that must be met to avoid the issuance of
 9 an out-of-service certificate of inspection decal.
 10 (4) The committee may provide for the inspection of all school
 11 buses **and special purpose buses**, new or old, that are offered for
 12 sale, lease, or contract.
 13 (5) The committee may provide for the annual inspection of all
 14 school buses **and special purpose buses** and the issuance of
 15 certificate of inspection decals.
 16 (6) The committee may maintain an approved list of school buses
 17 **and special purpose buses** that have passed inspection tests
 18 under subdivision (4) or (5).
 19 (7) The committee may, subject to approval by the state board of
 20 accounts, prescribe standard forms for school bus **driver**
 21 contracts.
 22 (8) The committee may hear appeals brought under
 23 IC 20-27-7-15.
 24 (b) The committee shall adopt rules under IC 4-22-2 to set
 25 performance standards and measurements for determining the physical
 26 ability necessary for an individual to be a school bus driver.
 27 (c) The certificate of inspection decals shall be issued to correspond
 28 with each school year. Each certificate of inspection decal expires on
 29 September 30 following the school year in which the certificate of
 30 inspection decal is effective. However, for buses that are described in
 31 IC 20-27-7-7, the certificate of inspection decal expires on a date that
 32 is not later than seven (7) months after the date of the first inspection
 33 for the particular school year.
 34 SECTION 6. IC 20-27-3-7, AS ADDED BY P.L.1-2005, SECTION
 35 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 36 2006]: Sec. 7. (a) A school bus **or special purpose bus** sold or
 37 delivered in Indiana must meet the standards of construction and
 38 equipment set forth in the rules of the committee.
 39 (b) A school bus may not be originally licensed in Indiana until the
 40 school bus has been inspected by the state police department and found
 41 to comply with these standards.

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SENATE MOTION

Madam President: I move that Senator Young R Michael be added as second author of Senate Bill 305.

ROGERS

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 305, 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 1, line 10, after "16," reset in roman "or".

Page 1, line 10, delete ", or 18".

Page 1, between lines 11 and 12, begin a new paragraph and insert:

"(c) A person who violates section 18 of this chapter commits a Class A infraction."

Page 2, line 20, after "doors," insert **"emergency exit"**.

and when so amended that said bill do pass.

(Reference is to SB 305 as introduced.)

LONG, Chairperson

Committee Vote: Yeas 7, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Bill 305, 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 1, line 12, delete "A" and insert **"B"**.

and when so amended that said bill do pass.

(Reference is to SB 305 as printed January 27, 2006.)

DUNCAN, Chair

Committee Vote: yeas 8, nays 2.

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