

SENATE BILL No. 327

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-21.

Synopsis: School bus safety. Provides that a person who operates a vehicle and recklessly passes a school bus stopped to load or unload a student when the arm signal device is extended commits a Class B misdemeanor. Provides that a person who operates a vehicle and recklessly passes a school bus stopped to load or unload a student when the arm signal device is extended and causes bodily injury commits a Class A misdemeanor. Provides that a person who meets or overtakes from any direction a school bus stopped to load or unload a student when the arm signal device is extended commits a Class A infraction. Provides that a court may suspend the driving privileges of a person who meets or overtakes from any direction a school bus stopped to load or unload a student when the arm signal device is extended.

Effective: July 1, 2019.

Bohacek

January 7, 2019, read first time and referred to Committee on Corrections and Criminal Law.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 327

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 9-21-8-52, AS AMENDED BY P.L.198-2016,
2 SECTION 364, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: Sec. 52. (a) A person who operates a
4 vehicle and who recklessly:
5 (1) drives at such an unreasonably high rate of speed or at such an
6 unreasonably low rate of speed under the circumstances as to:
7 (A) endanger the safety or the property of others; or
8 (B) block the proper flow of traffic;
9 (2) passes another vehicle from the rear while on a slope or on a
10 curve where vision is obstructed for a distance of less than five
11 hundred (500) feet ahead;
12 (3) drives in and out of a line of traffic, except as otherwise
13 permitted; or
14 (4) speeds up or refuses to give one-half (1/2) of the roadway to
15 a driver overtaking and desiring to pass;
16 commits a Class C misdemeanor. However, the offense is a Class A
17 misdemeanor if it causes bodily injury to a person.



1 (b) A person who operates a vehicle and who recklessly passes a
 2 school bus stopped ~~on a roadway~~ **to load or unload a student** when
 3 the arm signal device ~~specified in IC 9-21-12-13~~ is in the device's
 4 extended position commits a Class B misdemeanor. However, the
 5 offense is a Class A misdemeanor if it causes bodily injury to a person.

6 (c) If an offense under subsection (a) or (b) results in damage to the
 7 property of another person, it is a Class B misdemeanor and the court
 8 may recommend the suspension of the current driving license of the
 9 person convicted of the offense described in this subsection for a fixed
 10 period of not more than one (1) year.

11 (d) If an offense under subsection (a) or (b) causes bodily injury to
 12 a person, the court may recommend the suspension of the driving
 13 privileges of the person convicted of the offense described in this
 14 subsection for a fixed period of not more than one (1) year.

15 SECTION 2. IC 9-21-12-1, AS AMENDED BY P.L.217-2014,
 16 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2019]: Sec. 1. (a) A person who drives a vehicle that:

18 (1) meets or overtakes from any direction a school bus stopped ~~on~~
 19 **a roadway to load or unload a student** and is not stopped before
 20 reaching the school bus when the arm signal device ~~specified in~~
 21 ~~IC 9-21-12-13~~ is in the device's extended position; or

22 (2) proceeds before the arm signal device is no longer extended;
 23 commits a Class A infraction.

24 (b) This section is applicable only if the school bus is in substantial
 25 compliance with the markings required by the state school bus
 26 committee.

27 (c) There is a rebuttable presumption that the owner of the vehicle
 28 involved in the violation of this section committed the violation. This
 29 presumption does not apply to the owner of a vehicle involved in the
 30 violation of this section if the owner routinely engages in the business
 31 of renting the vehicle for periods of thirty (30) days or less.

32 **(d) The court may recommend the suspension of the driving**
 33 **privileges of a person convicted of an offense under this section:**

34 **(1) for a fixed period of not more than three (3) months; or**
 35 **(2) if the person has at least one (1) previous conviction under**
 36 **this section or IC 9-21-8-52(b), for a fixed period of not more**
 37 **than six (6) months.**

38 SECTION 3. IC 9-21-12-13, AS AMENDED BY P.L.217-2014,
 39 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2019]: Sec. 13. (a) Except:

41 (1) as provided in subsection (b); or

42 (2) when a school bus is stopped at an intersection or another



1 place where traffic is controlled by a traffic control device or a
2 police officer;
3 whenever a school bus is stopped ~~on a roadway~~ to load or unload a
4 student, the driver shall use an arm signal device, which must be
5 extended while the bus is stopped.
6 (b) The governing body of a public school may authorize a school
7 bus driver to load or unload a student at a location off the roadway that
8 the governing body designates as a special school bus loading area. The
9 driver is not required to extend the arm signal device when loading or
10 unloading a student in the designated area.
11 (c) A school bus driver who knowingly or intentionally violates
12 subsection (a) commits a Class C misdemeanor.

