

SENATE BILL No. 540

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-21; IC 35-52-9-19.8.

Synopsis: School bus stop arm violations. Provides that a law enforcement officer shall issue a summons and promise to appear to a person who the law enforcement officer has probable cause to believe has committed or recklessly committed a school bus stop arm violation. Provides that a statement signed under penalty of perjury by a school bus driver, school bus monitor, or crossing guard constitutes probable cause. Provides that a person who knowingly or intentionally meets or overtakes from any direction a school bus stopped on a roadway when the arm signal device is extended or proceeds before the arm signal device is no longer extended commits a Class C misdemeanor (rather than a Class A infraction under current law).

Effective: July 1, 2019.

Bassler, Ford Jon

January 14, 2019, read first time and referred to Committee on Judiciary.



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. 540

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 when the arm signal device specified
 3 in IC 9-21-12-13 is in the device's extended position commits a Class
 4 B misdemeanor. However, the offense is a Class A misdemeanor if it
 5 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 **(e) A law enforcement officer shall issue to a person who the law**
 16 **enforcement officer has probable cause to believe has violated**
 17 **subsection (b) a summons and promise to appear under**
 18 **IC 35-33-4-1 instead of arresting the person. A written statement**
 19 **signed, under penalty of perjury, by:**

- 20 (1) a school bus driver;
 21 (2) a school bus monitor; or
 22 (3) a crossing guard;

23 **that affirms or attests that the person has violated subsection (b)**
 24 **constitutes probable cause for purposes of this subsection.**

25 SECTION 2. IC 9-21-12-1, AS AMENDED BY P.L.217-2014,
 26 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2019]: Sec. 1. (a) A person who **knowingly or intentionally**
 28 drives a vehicle that:

- 29 (1) meets or overtakes from any direction a school bus stopped on
 30 a roadway and is not stopped before reaching the school bus when
 31 the arm signal device specified in IC 9-21-12-13 is in the device's
 32 extended position; or
 33 (2) proceeds before the arm signal device is no longer extended;
 34 commits a Class ~~A~~ **infraction: C misdemeanor.**

35 (b) This section is applicable only if the school bus is in substantial
 36 compliance with the markings required by the state school bus
 37 committee.

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



1 (d) A law enforcement officer shall issue to a person who the law
2 enforcement officer has probable cause to believe has violated
3 subsection (a) a summons and promise to appear under
4 IC 35-33-4-1 instead of arresting the person. A written statement
5 signed, under penalty of perjury, by:

6 (1) a school bus driver;

7 (2) a school bus monitor; or

8 (3) a crossing guard;

9 that affirms or attests that the person has violated subsection (a)
10 constitutes probable cause for purposes of this subsection.

11 SECTION 3. IC 35-52-9-19.8 IS ADDED TO THE INDIANA
12 CODE AS A NEW SECTION TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2019]: **Sec. 19.8. IC 9-21-12-1 defines a crime**
14 **concerning traffic regulation.**

