Office of School Transportation and Emergency Planning

School Transportation Statutes

School Bus Driver Certification Policy

Updated July 2009

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Title 20, Article 18
General Provisions

Chapter 1. Applicability

IC 20-18-1-1 Applicability of title
Sec. 1. Except as otherwise provided, this title applies to public school corporations.

Chapter 2. Definitions (selected)

IC 20-18-2-1 Application
Sec. 1. The definitions in this chapter apply throughout this title.

IC 20-18-2-5 "Governing body"
Sec. 5. "Governing body" means:
(1) a township trustee and the township board of a school township;
(2) a county board of education;
(3) a board of school commissioners;
(4) a metropolitan board of education;
(5) a board of trustees; or
(6) any other board or commission charged by law with the responsibility of administering the affairs of a school corporation.

IC 20-18-2-8 "Indiana physician"
Sec. 8. "Indiana physician" means an individual who holds an unlimited license to practice medicine in Indiana.

IC 20-18-2-12 "Nonpublic school"
Sec. 12. (a) "Nonpublic school" means a school that is not maintained by a school corporation.
(b) The term includes a private school or parochial school.

IC 20-18-2-15 "Public school"
Sec. 15. "Public school" means a school maintained by a school corporation.

IC 20-18-2-16 "School corporation"
Sec. 16. (a) "School corporation" means a public school corporation established by Indiana law.
(b) The term includes a:
(1) school city;
(2) school town;
(3) school township;
(4) consolidated school corporation;
(5) metropolitan school district;
(6) township school corporation;
(7) county school corporation;
(8) united school corporation; or
(9) community school corporation.

IC 20-18-2-17 "School year"
Sec. 17. "School year" means the period:
(1) beginning after June 30 of each year; and
(2) ending before July 1 of the following year;
except when a different period is specified for a particular purpose.

Title 20, Article 27
School Transportation

Chapter 1. Applicability

IC 20-27-1-1 Application of article
Sec. 1. Except as otherwise provided, this article applies to the following:
(1) School corporations.
(2) Nonpublic schools.

Chapter 2. Definitions

IC 20-27-2-1 Application
Sec. 1. The definitions in this chapter apply throughout this article.

IC 20-27-2-2 "Committee"
Sec. 2. "Committee" refers to the state school bus committee established by IC 20-27-3-1.

IC 20-27-2-3 "Common carrier contract"
Sec. 3. "Common carrier contract" means a contract for the transportation of students between a school corporation and a regular route common carrier of passengers that operates under the jurisdiction of the department of state revenue.

IC 20-27-2-4 "Employment contract"
Sec. 4. "Employment contract" means a contract:
(1) between:
(A) a school corporation that owns all necessary school bus equipment; and
(B) a school bus driver; and
(2) that provides that the school bus driver is employed in the same manner as other noninstructional personnel are employed by the school corporation.

IC 20-27-2-5 "Fleet contract"
Sec. 5. "Fleet contract" means a contract between a school corporation and a fleet contractor in which the contractor promises to provide two (2) or more school buses and school bus drivers for student transportation.

IC 20-27-2-6 "Fleet contractor"
Sec. 6. "Fleet contractor" means a person who contracts with a school corporation to provide two (2) or more school buses and school bus drivers for student transportation.

IC 20-27-2-7 "Parents' supplemental transportation contract"
Sec. 7. "Parents' supplemental transportation contract" means a contract between parents of students enrolled in a public school and a school bus driver in which the school bus driver promises to provide a school bus and driving services.

IC 20-27-2-8 "School bus"
Sec. 8. "School bus" means a motor vehicle, other than a special purpose bus, that is:
(1) designed and constructed for the accommodation of more than ten (10) passengers; and
(2) used for the transportation of Indiana students.
The term includes the chassis or the body, or both.

IC 20-27-2-9 "School bus driver"
Sec. 9. "School bus driver" means an individual charged with the responsibility of operating a school bus.

IC 20-27-2-10 "Special purpose bus"
Sec. 10. "Special purpose bus" means a motor vehicle:
(1) that is designed and constructed for the accommodation of more than ten (10) passengers;
(2) that:
(A) meets the federal school bus safety requirements under 49 U.S.C. 30125 except the:
(i) stop signal arm required under federal motor vehicle safety standard (FMVSS) no. 131; and
(ii) flashing lamps required under federal motor vehicle safety standard (FMVSS) no. 108;
(B) when owned by a school corporation and used to transport students, complies with the Federal Motor Carrier Safety Regulations as prescribed by the United States Department of Transportation Federal Motor Carrier Safety Administration as set

forth in 49 CFR Chapter III Subchapter B; or

(C) when owned by a school corporation and used to transport students, is a motor coach type bus with a capacity of at least thirty (30) passengers and a gross vehicle weight rating greater than twenty-six thousand (26,000) pounds; and

(3) that is used by a school corporation for transportation purposes appropriate under IC 20-27-9-5.

IC 20-27-2-11 "Student"

Sec. 11. "Student" means a child enrolled in a public or nonpublic school at any grade between kindergarten and grade 12.

IC 20-27-2-12 "Transportation contract"

Sec. 12. "Transportation contract" means a contract between a school corporation and a school bus driver in which the school bus driver promises to provide, in addition to driving services, a school bus, school bus chassis, or school bus body.

Chapter 3. State School Bus Committee

IC 20-27-3-1 State school bus committee; members

Sec. 1. (a) The state school bus committee is established. The committee has the following voting members:

(1) The state superintendent or the state superintendent's authorized representative, who serves as chairperson of the committee.

(2) The commissioner of the bureau of motor vehicles, or the commissioner's authorized representative.

(3) The administrator of the motor carrier services division of the department of state revenue.

(4) The director of the governor's council on impaired and dangerous driving.

(5) A school bus driver appointed by the state superintendent upon the recommendation of the Indiana State Association of School Bus Drivers, Inc.

(6) A superintendent of a school corporation appointed by the state superintendent upon the recommendation of the Indiana Association of Public School Superintendents.

(7) A member of the governing body of a school corporation appointed by the state superintendent upon the recommendation of the Indiana School Boards Association.

(8) A representative of the Indiana School for the Blind and Visually Impaired or the Indiana School for the Deaf appointed by the state superintendent.

(9) A member of the School Transportation Association of Indiana appointed by the state superintendent upon the recommendation of the School Transportation Association of Indiana.

(b) The state superintendent shall designate a secretary from the department who shall keep the official record of the meetings and of official transactions of the committee.

IC 20-27-3-2 Nonvoting members

Sec. 2. (a) The following nonvoting members shall advise the voting members of the committee:

(1) A member of the Indiana Association of School Bus Distributors selected by the executive committee of that association.

(2) A member of the state police department selected by the state police superintendent.

(3) A member of the Indiana Transportation Association selected by the executive committee of that association.

(4) A member of the Indiana Township Association selected by the executive committee of that association.

(5) A school business official appointed by the state superintendent upon the recommendation of the Indiana Association of School Business Officials.

(b) An individual is not qualified to serve as a nonvoting member of the committee until proper credentials of the individual's appointment have been filed with the chairperson of the committee. Each nonvoting member shall be notified of all committee meetings and may attend each meeting and offer advice to the voting members of the committee.

IC 20-27-3-3 Meetings

Sec. 3. (a) The committee:

(1) shall hold one (1) regular meeting each month; and

(2) may hold special meetings as the chairperson considers necessary.

(b) Four (4) voting members of the committee constitute a quorum for the transaction of official business.

IC 20-27-3-4 Powers; bus driver performance standards; certificate of inspection

Sec. 4. (a) The committee has the following powers:

(1) The committee may adopt rules under IC 4-22-2 establishing standards for the construction of school buses and special purpose buses, including minimum standards for the construction of school buses necessary to be issued a:

(A) valid certificate of inspection decal; and

(B) temporary certificate of inspection decal described in IC 20-27-7-10.

(2) The committee may adopt rules under IC 4-22-2 establishing standards for the equipment of school buses and special purpose buses, including minimum standards for the equipment of school buses and special purpose buses necessary to be issued a:

(A) valid certificate of inspection decal; and
(B) temporary certificate of inspection decal described in IC 20-27-7-10.
(3) The committee may adopt rules under IC 4-22-2 specifying the minimum standards that must be met to avoid the issuance of an out-of-service certificate of inspection decal.
(4) The committee may provide for the inspection of all school buses and special purpose buses, new or old, that are offered for sale, lease, or contract.
(5) The committee may provide for the annual inspection of all school buses and special purpose buses and the issuance of certificate of inspection decals.
(6) The committee may maintain an approved list of school buses and special purpose buses that have passed inspection tests under subdivision (4) or (5).
(7) The committee may, subject to approval by the state board of accounts, prescribe standard forms for school bus driver contracts.
(8) The committee may hear appeals brought under IC 20-27-7-15.
(b) The committee shall adopt rules under IC 4-22-2 to set performance standards and measurements for determining the physical ability necessary for an individual to be a school bus driver.
(c) The certificate of inspection decals shall be issued to correspond with each school year. Each certificate of inspection decal expires on September 30 following the school year in which the certificate of inspection decal is effective. However, for buses that are described in IC 20-27-7-7, the certificate of inspection decal expires on a date that is not later than seven (7) months after the date of the first inspection for the particular school year.

IC 20-27-3-5 Rules; display of school district number on bus
Sec. 5. The committee shall adopt and enforce rules under IC 4-22-2 to require that each new school bus operated by or on behalf of a school corporation bear the number of the school district on the back of the school bus in black letters that are at least four (4) inches and not more than six (6) inches high.

IC 20-27-3-6 Rules; display of United States flag on bus
Sec. 6. The committee shall adopt and enforce rules under IC 4-22-2 that allow the display of the United States flag on a school bus operated by or on behalf of a school corporation. The rules must provide that a flag displayed on a school bus may not be placed in a manner that:
(1) obstructs the school bus driver's vision through the windshield or any other window;
(2) impedes the school bus driver's operation of any equipment; or
(3) distracts the attention of other motorists from the school bus's warning lamps or stop signal arm when the school bus is loading or unloading students.

IC 20-27-3-7 Standards of construction and equipment
Sec. 7. (a) A school bus or special purpose bus sold or delivered in Indiana must meet the standards of construction and equipment set forth in the rules of the committee.
(b) A school bus may not be originally licensed in Indiana until the school bus has been inspected by the state police department and found to comply with these standards.

IC 20-27-3-8 Violation
Sec. 8. A person who knowingly, intentionally, or recklessly violates this chapter commits a Class C misdemeanor.

Chapter 4. Purchase of School Buses

IC 20-27-4-1 Authority to purchase school buses
Sec. 1. A school corporation may purchase a school bus or special purpose bus to furnish transportation for students. The school corporation may purchase:
(1) both the body and the chassis of a school bus; or
(2) either the body or the chassis.
A purchase may be made for cash or under the terms of a security agreement.

IC 20-27-4-2 Security agreements; generally
Sec. 2. A security agreement under this chapter may not run for more than six (6) years. The agreement must be amortized in equal or approximately equal installments, payable on the first day of January and July each year. The first installment of principal and interest must be due and payable on the first day of July next following the collection of a tax that was levied after execution of the security agreement.

IC 20-27-4-3 Security agreements; appropriation
Sec. 3. Before a security agreement is executed, an appropriation for the amount of the purchase price must be made. The

appropriation is made in the same manner as any other appropriation, except that the amount of the appropriation is not limited by the amount of funds available at the time of the execution or the amount of funds to be raised by a tax levy effective at the time of the execution. A petition to borrow, a notice to taxpayers, or other formality is not necessary, except:

(1) as specifically provided in this chapter; and

(2) as may be required by law for the issuance of general obligation bonds.

IC 20-27-4-4 General obligation bonds

Sec. 4. If a school corporation requires funds to purchase a school bus for cash, the school corporation may borrow the necessary funds by issuing general obligation bonds. The bonds shall be issued in the same manner as other general obligation bonds. However, the bonds may not extend for more than six (6) years.

IC 20-27-4-5 Loans

Sec. 5. (a) If a school corporation requires funds to purchase a school bus for cash, the school corporation may, instead of issuing general obligation bonds, negotiate for and borrow funds or purchase the school bus on an installment conditional sales contract or a promissory note secured by the school bus.

(b) To effect a loan, the school corporation shall execute a negotiable note or notes to the lender. The notes may not extend for more than six (6) years and are payable at the same times and in the same manner as provided for security agreements in section 2 of this chapter.

(c) Before a note described in this section is executed, an appropriation for the amount of the purchase price of the school bus and any incidental expenses connected with the purchase or the loan, must be made in the same manner as other appropriations are made, except that the amount of the appropriation is not limited by the amount of funds available at the time of the loan or purchase or by the amount of funds to be raised by a tax levy effective at the time of the loan.

(d) A petition to borrow, a notice to taxpayers, or other formality is not necessary to borrow funds under this section except as specifically provided in this chapter.

IC 20-27-4-6 Manner of purchase

Sec. 6. (a) The purchase of a school bus shall be made in the same manner as provided by law for the purchase of school supplies by a school corporation.

(b) If a school bus is purchased under a security agreement, the required notice to bidders or solicitation of bids must set:

(1) the length of time the security agreement shall run; and

(2) the terms of the security agreement, including the security agreement price and interest rate.

(c) The low bid for a security agreement shall be determined by adding to each bidding price the net interest cost and then comparing the totals of the price and interest on each bid. Any difference between the cash and the security agreement prices may not be considered a charge under section 2 of this chapter. Instead, a separate statement of each price shall be made to enable the governing body to determine the advisability of purchasing a school bus under a security agreement.

IC 20-27-4-7 Indiana bond bank; loans, security agreements, or leases

Sec. 7. Notwithstanding any other provision of this chapter, a school corporation may negotiate and enter into loans, security agreements, or leases with the Indiana bond bank for the acquisition and financing of a school bus.

IC 20-27-4-8 Effect of chapter

Sec. 8. This chapter does not affect the validity or legality of a negotiable instrument, conditional sales contract, purchase money mortgage contract, or promissory note executed and delivered before July 1, 1965, by a school corporation and given for the purchase of a school bus in accordance with Indiana law that was specifically repealed or repealed by implication by Acts 1965, c.259.

Chapter 5. Transportation Contracts

IC 20-27-5-1 Nonpublic school exemption

Sec. 1. This chapter does not apply to a nonpublic school or to a school bus driver contract executed for a nonpublic school.

IC 20-27-5-2 Authority to provide transportation

Sec. 2. The governing body of a school corporation may provide transportation for students to and from school.

IC 20-27-5-3 Transportation responsibilities

Sec. 3. If a school corporation provides transportation for students, the governing body of the school corporation is responsible for obtaining the necessary school buses and school bus drivers.

IC 20-27-5-4 Employment of school bus driver

Sec. 4. (a) If a school corporation owns the school bus equipment in its entirety, the school corporation may employ a school bus driver on a school year basis in the same manner as other noninstructional employees are employed.

(b) If a school corporation employs a school bus driver under subsection (a), the employment contract between the school corporation and the school bus driver must be in writing.

(c) A school corporation that hires a school bus driver under this section shall purchase and carry public liability and property damage insurance covering the operation of school bus equipment in compliance with IC 9-25.

(d) Sections 5 through 32 of this chapter do not apply to the employment of a school bus driver hired under this section.

IC 20-27-5-5 Driver furnishing body or chassis of school bus; written transportation contract; benefits

Sec. 5. (a) If a school bus driver is required to furnish the school bus body or the school bus chassis, or both, the governing body of the school corporation shall enter into a written transportation contract with the school bus driver.

(b) The transportation contract may include a provision allowing the school bus driver to be eligible for the life and health insurance benefits and other fringe benefits available to other school personnel.

IC 20-27-5-6 Fleet contract; written fleet contract; benefits

Sec. 6. (a) When a fleet contractor is required to provide two (2) or more school buses and school bus drivers, the governing body of the school corporation shall enter into a written fleet contract with the fleet contractor.

(b) The fleet contract may include a provision allowing the school bus drivers to be eligible for the life and health insurance benefits and other fringe benefits available to other school personnel.

IC 20-27-5-7 Transportation or fleet contract; negotiation

Sec. 7. Transportation or fleet contracts may either be:

(1) negotiated and let after receiving bids on the basis of specifications, as provided for in section 10 of this chapter; or

(2) negotiated on the basis of proposals by a bidder in which the bidder suggests additional or altered specifications.

A school corporation negotiating and executing a transportation contract shall comply with section 5 and sections 9 through 16 of this chapter. A school corporation negotiating and executing a fleet contract shall comply with sections 8 through 16 of this chapter.

IC 20-27-5-8 Transportation or fleet contract; specifications

Sec. 8. (a) The governing body of a school corporation shall adopt specifications for transportation and fleet contracts before entering into a transportation or fleet contract under section 5 or 6 of this chapter.

(b) The specifications shall be prepared and placed on file in the office of the governing body at least fifteen (15) days before the advertised date for beginning negotiations or receiving proposals or bids. However, if a school corporation is under the jurisdiction of a county superintendent of schools, the specifications shall be placed on file in the office of the county superintendent.

(c) All specifications are public records and are open, during regular office hours, for inspection by the public.

IC 20-27-5-9 Transportation or fleet contract; required specifications

Sec. 9. The specifications for contracts adopted under section 8 of this chapter must include the following:

(1) A description of the route for which the contract is to be let.

(2) The approximate number of students to be transported on the route.

(3) The approximate number of miles to be traveled each school day on the route.

(4) The type of school bus equipment required to be furnished by the school bus driver or fleet contractor, including the seating capacity of the equipment required.

(5) The amount of public liability and property damage insurance coverage, if any, required to be furnished by the school bus driver or fleet contractor. If a school corporation owns either the chassis or the body of the school bus equipment, the specifications must recite the amount and kind of insurance coverage required to be furnished by a bidding school bus driver. In addition to the amount and kind of insurance set forth in the specifications, the governing body, the school bus driver, or the fleet contractor may, at their own election and at their own expense, carry additional insurance, including health, accident, and medical payments insurance.

(6) The amount of surety bond required to be furnished by the school bus driver.

(7) The length of the term for which the contract may be let. However, a township trustee may not enter into a school bus contract that has a term extending beyond the June 30 following the expiration date of the trustee's term of office.

(8) Any other relevant information necessary to advise a prospective bidder of the terms and conditions of the transportation contract or fleet contract.

IC 20-27-5-10 Transportation or fleet contract; public notice

Sec. 10. (a) The governing body shall give notice to the public at least ten (10) days before beginning negotiations or receiving proposals or bids for transportation or fleet contracts. Notice shall be given in the manner provided by IC 5-3-1. The notice must include the following information:

(1) That the governing body will negotiate, receive proposals, or receive bids for transportation contracts and fleet contracts on a specified date.

(2) That the governing body will execute contracts for the school bus routes of the school corporation.
(3) That the specifications for the routes and related information are on file in the office of the governing body or in the office of the county superintendent.
(b) A transportation or fleet contract may not be negotiated until notice has been given under this section.

IC 20-27-5-11 Transportation or fleet contract; time to be let
Sec. 11. (a) Except as provided in subsection (b), if the duration of a transportation or fleet contract is for more than one (1) full school year, the contract must be let before the May 1 preceding the beginning of the first school year covered by the contract.
(b) A contract described in subsection (a) that is let after the May 1 preceding the beginning of the first school year covered by the contract is valid if the contract was let after May 1 due to an emergency situation.

IC 20-27-5-12 Transportation or fleet contract; award
Sec. 12. (a) If a transportation or fleet contract is let under sections 5 through 11 of this chapter, or let after renegotiation under section 16 of this chapter, the contract shall be awarded to the lowest responsible bidder, subject to the limitations in this section and in sections 14 and 15 of this chapter.
(b) The governing body may refuse to award the bid to the lowest responsible bidder if the amount of the bid is not satisfactory to the school corporation.

IC 20-27-5-13 Prerequisites for bidders for transportation contract
Sec. 13. Before a bidder may be awarded a transportation contract, the bidder must meet the following conditions:
(1) The bidder must meet the physical requirements prescribed in IC 20-27-8-1 as evidenced by a certificate signed by an Indiana physician who has examined the bidder.
(2) The bidder must hold a valid public passenger chauffeur's license or commercial driver's license issued by the bureau of motor vehicles.

IC 20-27-5-14 Transportation or fleet contract; power to reject bid
Sec. 14. A governing body may reject any or all bids. If a bid is not received for a specified route, the governing body may either readvertise for bids or negotiate a contract for the route without further advertising.

IC 20-27-5-15 Transportation or fleet contract; alteration of route
Sec. 15. The governing body may alter a school bus route at any time. If the altered route is longer than the route in the original contract, the school bus driver or fleet contractor shall be paid additional compensation for each additional mile or fraction of a mile. The additional compensation shall be based on the average rate per mile in the original contract.

IC 20-27-5-16 Transportation or fleet contract; change of equipment
Sec. 16. The governing body may require the school bus driver or fleet contractor to furnish equipment with greater seating capacity at any time. When a school bus driver or fleet contractor is required to furnish different equipment during the term of the contract, the contracting parties may mutually agree to the cancellation of the existing contract and renegotiate a new contract for the balance of the term of the original contract. Action taken by a governing body under section 15 of this chapter does not preclude simultaneous action under this section.

IC 20-27-5-17 Transportation or fleet contract; amendment
Sec. 17. Notwithstanding any other provision in this chapter, the governing body may, with the consent of the other party or parties to the contract, amend an existing transportation or fleet contract to make any necessary adjustments caused by a fluctuation in the cost of fuel that occurs during the term of the contract.

IC 20-27-5-18 Transportation or fleet contract; road conditions
Sec. 18. If highway or road conditions require a school bus driver to drive a greater distance than provided by the contract, additional compensation shall be paid to the school bus driver or fleet contractor. The additional compensation shall be computed as if the governing body had lengthened the route under section 15 of this chapter.

IC 20-27-5-19 Transportation or fleet contract; sale or assignment
Sec. 19. A transportation or fleet contract entered into under this chapter may not be sold or assigned except by written agreement of both parties to the original contract and by the assignee or purchaser of the contract.

IC 20-27-5-20 Transportation contract; substitute driver
Sec. 20. After notice to the governing body or its authorized agent, a school bus driver may provide a substitute driver for any of the following reasons:
(1) Illness of the school bus driver.
(2) Illness or death of a member of the school bus driver's family.
(3) Compulsory absence of a school bus driver because of jury duty.

(4) Performance of services and duties related to the Indiana State Association of School Bus Drivers, Inc.
(5) Performance of services and duties required by service in the general assembly.
(6) Attendance at meetings of the committee.
(7) Management by a school bus driver of the school bus driver's personal business affairs. However, a school bus driver may not be absent for management of personal business affairs for more than ten (10) days in any one (1) school year without the approval of the governing body.

IC 20-27-5-21 Transportation contract; substitute driver requirements
Sec. 21. A substitute school bus driver may not operate a school bus unless the substitute school bus driver meets the standards required by IC 20-27-8-1 and has been approved by the governing body or its authorized agent.

IC 20-27-5-22 Transportation contract; termination; generally
Sec. 22. (a) A school bus driver's transportation contract may be terminated for:
(1) incompetency;
(2) physical disability;
(3) negligence; or
(4) failure to faithfully perform the school bus driver's duties under the contract;
only after the school bus driver has received notice and a hearing.
(b) Notice under subsection (a) must:
(1) be in writing; and
(2) allow a reasonable time before the hearing.
(c) The school bus driver may appear at a hearing under subsection (a) either in person or by counsel.

IC 20-27-5-23 Transportation contract; termination; alcoholic beverage
Sec. 23. A school bus driver may not consume an alcoholic beverage during school hours or while operating a school bus. A transportation contract may be terminated without hearing upon presentation of reliable evidence that a school bus driver has consumed an alcoholic beverage:
(1) during school hours;
(2) while operating a school bus; or
(3) while performing the school bus driver's duties.

IC 20-27-5-24 Transportation contract; physically unfit driver; duty
Sec. 24. When a physical examination reveals that a school bus driver is physically unfit to perform the transportation contract, the school bus driver shall:
(1) furnish a substitute school bus driver who is qualified under section 21 of this chapter; or
(2) assign the school bus driver's transportation contract, if the governing body approves, to a person qualified under this chapter.

IC 20-27-5-25 Transportation contract; physically unfit driver; termination
Sec. 25. (a) If a school bus driver is found physically unfit and fails to perform the duty required by section 24 of this chapter, the governing body may terminate the school bus driver's contract after the school bus driver has been given notice and an opportunity for a hearing.
(b) Notice under subsection (a) must:
(1) be in writing; and
(2) allow a reasonable time before the hearing.
(c) The school bus driver may appear at a hearing under subsection (a) either in person or by counsel.

IC 20-27-5-26 Fleet contract; school bus driver provisions
Sec. 26. A fleet contract entered into under this chapter must provide the following:
(1) The fleet contractor is responsible for the employment, physical condition, and conduct of every school bus driver employed by the fleet contractor.
(2) The fleet contractor shall submit to the governing body a list of the names, addresses, telephone numbers, and route assignments of all regular and substitute school bus drivers employed by the fleet contractor.
(3) All school bus drivers employed by the fleet contractor must meet the physical, moral, and license standards prescribed in IC 20-27-8.
(4) School bus drivers employed by a fleet contractor shall attend the annual safety meeting for school bus drivers sponsored by the committee and the state police department in accordance with IC 20-27-8-9.
(5) Failure to employ school bus drivers who meet and maintain the physical, moral, and license standards of IC 20-27-8, or failure to compel attendance of a school bus driver at the annual safety meeting, is a breach of contract and may result in termination of the fleet contract and in forfeiture of the surety bond.

IC 20-27-5-27 Transportation or fleet contract; cancellation; purchase of equipment

Sec. 27. If a transportation or fleet contract is canceled by a governing body under this chapter, the governing body may purchase the school bus equipment owned by the school bus driver or fleet contractor and used under the transportation contract. The purchase price is the fair market value of the equipment as determined by agreement of the governing body and the school bus driver or fleet contractor.

IC 20-27-5-28 Transportation or fleet contract; bond

Sec. 28. A school bus driver or fleet contractor operating a transportation or fleet contract shall furnish a surety bond conditioned on faithful performance of the contract. The governing body shall specify the amount of bond required.

IC 20-27-5-29 Common carrier contract; generally

Sec. 29. A governing body may enter into a contract for student transportation with a regular route common carrier that operates under the jurisdiction of the department of state revenue.

IC 20-27-5-30 Common carrier contract; provisions

Sec. 30. Each common carrier contract made under section 29 of this chapter must provide the following:

(1) The common carrier is solely responsible for the employment, physical condition, and conduct of every school bus driver employed by the carrier.

(2) The carrier must submit a certificate to the governing body showing that any school bus driver used in performing the contract meets the physical standards required by IC 20-27-8-1(7).

IC 20-27-5-31 Common carrier contract; exemption from physical examination

Sec. 31. When a school bus driver is employed by a common carrier to assist in performing a common carrier contract made under section 29 of this chapter, the school bus driver is exempt from mandatory physical examinations required under this article, except to the extent that examination may be necessary for a common carrier to comply with section 30(2) of this chapter.

IC 20-27-5-32 Common carrier contract; exemption from requirements

Sec. 32. A bus operated under a common carrier contract is not required to be constructed, equipped, or painted as specified under this article or the rules of the committee unless the bus:

(1) is operated exclusively for the transportation of students to and from school; or

(2) must be operated more than three (3) miles outside the corporation limit of a city or town in order to perform the contract.

IC 20-27-5-33 Violation

Sec. 33. A person who knowingly, intentionally, or recklessly violates this chapter commits a Class C misdemeanor.

Chapter 6. Parents' Supplemental Transportation Contracts

IC 20-27-6-1 Nonpublic school exemption

Sec. 1. This chapter does not apply to a nonpublic school or to a nonpublic school bus driver contract executed for a nonpublic school.

IC 20-27-6-2 Authority of parents to provide bus transportation

Sec. 2. Parents may provide bus transportation for students enrolled in a public school who are not provided transportation by the school corporation.

IC 20-27-6-3 Parents' joint contract rights

Sec. 3. (a) The parents of public school students not provided bus transportation by the school corporation may contract jointly with a school bus driver to provide transportation under a parents' supplemental transportation contract.

(b) A parents' supplemental transportation contract is subject to the approval of the governing body of the school corporation where the students transported under the contract reside, and a school bus operated under the contract is under the supervision and direction of the governing body.

IC 20-27-6-4 Parents' supplemental transportation contract; contents

Sec. 4. A parents' supplemental transportation contract must include the following:

(1) The type of school bus equipment to be furnished by the school bus driver, including a provision that the contract incorporate by reference any equipment requirements prescribed by the committee.

(2) Incorporation by reference of the safety, training, and inspection requirements of the committee and the state.

(3) The amount of liability and property damage insurance required to be furnished by the school bus driver. The amount of insurance must be commensurate with insurance furnished by a school bus driver operating under a transportation contract with a school corporation.

(4) Any other relevant information necessary to advise the parties of the terms and conditions of the contract.

IC 20-27-6-5 Parents' supplemental transportation contract; school bus driver prerequisites

Sec. 5. Before a school bus driver may enter into a parents' supplemental transportation contract, the school bus driver must meet the following prerequisites:

(1) The school bus driver must meet all physical requirements required of school bus drivers by the committee, including the requirements under IC 20-27-8-1.

(2) The school bus driver must obtain the physical fitness certificate required of all school bus drivers by IC 20-27-8-4.

(3) The school bus driver must have a valid public passenger chauffeur's license issued by the bureau of motor vehicles.

(4) The school bus driver must meet any additional requirements required by the contracting parents.

IC 20-27-6-6 Parents' supplemental transportation contract; substitute driver requirements

Sec. 6. A substitute school bus driver may not operate a school bus unless the substitute school bus driver meets the standards required by IC 20-27-8-1 or any other committee requirements for substitute school bus drivers.

IC 20-27-6-7 Parents' supplemental transportation contract; use of school buses

Sec. 7. (a) Except as provided in subsections (b) and (d), a school bus operating under a parents' supplemental transportation contract may only be used for the following purposes:

(1) Transportation of eligible students to and from school.

(2) Transportation of eligible students and necessary adult chaperones to and from an activity that is sponsored, controlled, supervised, or participated in by the governing body of the school corporation.

(3) Transportation of students to and from a:

(A) youth baseball activity;

(B) 4-H club activity;

(C) junior achievement activity;

(D) Boy Scout activity;

(E) Girl Scout activity;

(F) Campfire activity; or

(G) recreational activity approved or sponsored by a political subdivision.

(b) Except as provided in subsection (c), the following conditions apply to a school bus operating under a parents' supplemental transportation contract that is used for a purpose described in subsection (a):

(1) Students may not be accompanied by more than four (4) adult sponsors or chaperones per school bus.

(2) Transportation must originate from a point within the geographical limits of the school district served by the affected school bus driver.

(3) The group to be transported shall be residents of the affected school district.

(4) Transportation may not exceed one hundred (100) highway miles from point of origin.

(c) Subsection (b) does not apply if transportation can be furnished by a common carrier of passengers that operates under the jurisdiction of the department of state revenue. If transportation is furnished by a common carrier of passengers that operates under the jurisdiction of the department of state revenue, IC 20-27-9-3(b) applies.

(d) A school bus operating under a parents' supplemental transportation contract may be used for the following purposes:

(1) Travel to and from a garage or repair area for maintenance or repair.

(2) Transportation requested by a governmental authority during a local, state, or national emergency.

(3) Transportation of an agricultural worker engaged in cultivating, producing, or harvesting crops under IC 20-27-9-10.

(4) Travel to a school bus driver's residence or parking facility following an authorized use described in this section.

(5) Transportation of a senior citizen under IC 20-27-9-2.

IC 20-27-6-8 Violation

Sec. 8. A person who knowingly, intentionally, or recklessly violates this chapter commits a Class C misdemeanor.

Chapter 7. School Bus Inspection and Registration

IC 20-27-7-1 Annual inspection of buses

Sec. 1. The state police department shall annually inspect all special purpose buses and school buses, including those operated by a nonpublic school to transport students. The inspection of a school bus must determine whether the school bus complies with the safety requirements prescribed for school bus construction and equipment in the rules of the committee.

IC 20-27-7-2 Inspection time

Sec. 2. The owner of a school bus or special purpose bus shall present the school bus or special purpose bus for the inspection required under section 1 of this chapter at the date, time, and place designated by the state police department.

IC 20-27-7-3 Certificate of inspection

Sec. 3. If the inspection required under section 1 of this chapter reveals that a school bus meets all safety requirements, the inspecting officer shall issue to the owner of the school bus a certificate that the school bus has been inspected and that it complies with the safety requirements. Except as provided in sections 5 through 7 of this chapter, a certificate of inspection issued under this section is valid until September 30 of the school year following the school year for which the certificate is issued.

IC 20-27-7-4 Certificate of inspection display

Sec. 4. A school bus may not be used to transport passengers unless a valid certificate of inspection issued under section 3 of this chapter is displayed as viewed from the outside on the lower left corner of the windshield of the school bus. However, if the left corner position obstructs the school bus driver's view, the inspection sticker may be positioned on the bottom of the windshield so as to minimize the obstruction to the school bus driver's view.

IC 20-27-7-5 Certificate of inspection upon transfer of ownership

Sec. 5. A school bus that is sold or has the ownership transferred to a new owner must be presented for an inspection under section 2 of this chapter before the school bus may be used to transport passengers. If the school bus meets the requirements specified under section 3 of this chapter, the state police department shall issue a new certificate of inspection for the school bus. A certificate of inspection issued under this section is valid until September 30 of the school year following the school year for which the certificate is issued.

IC 20-27-7-6 Inspection of buses older than 12 years

Sec. 6. In addition to the inspection required under section 1 of this chapter, a school bus that was manufactured at least twelve (12) years before the year for which a certificate of inspection is being sought must be presented for inspection not less than five (5) months nor more than seven (7) months after the inspection required under section 1 of this chapter is completed. If the school bus meets the requirements specified in section 3 of this chapter, the state police department shall issue a new certificate of inspection for the school bus. A certificate of inspection issued for a school bus described in this section is valid for seven (7) months after the date the certificate is issued.

IC 20-27-7-7 Certificate of inspection after damage by accident

Sec. 7. If a school bus has received damage in an accident that has put the school bus out of service because of passenger safety concerns, the school bus must be presented for an inspection under section 2 of this chapter before the school bus may be used to transport passengers. If the school bus meets the requirements specified in section 3 of this chapter, the state police department shall issue a new certificate of inspection for the school bus. A certificate of inspection issued under this section is valid until September 30 of the school year following the school year for which the certificate is issued.

IC 20-27-7-8 Inspection requirements

Sec. 8. The inspection of a special purpose bus shall consist of an inspection to determine the existence and condition of the vehicle's:

(1) brakes;
(2) lights (headlamps, tail lamps, brake lights, clearance lights, and turn signals);
(3) steering and suspension;
(4) exhaust systems;
(5) general body condition; and
(6) tires.

IC 20-27-7-9 Bus maintenance

Sec. 9. A school bus or special purpose bus must be maintained to meet the minimum standards set forth by the committee when transporting passengers.

IC 20-27-7-10 Temporary certificate of inspection due to material defect

Sec. 10. If the inspection of a special purpose bus or a school bus performed under this chapter reveals any material defect that renders the school bus unsafe and in noncompliance with any safety requirements established by the committee or with the safety requirements of this chapter, the inspecting officer shall issue a temporary certificate of inspection for the special purpose bus or school bus. The following apply to a temporary certificate of inspection issued under this section:

(1) The certificate shall be displayed as viewed from the outside in the lower left corner of the windshield of the special purpose bus or school bus. However, if the left corner position obstructs the driver's view, the temporary certificate of inspection may be positioned on the bottom of the windshield so as to minimize the obstruction to the driver's view.

(2) The certificate is valid for thirty (30) days.

IC 20-27-7-11 Temporary certificate of inspection; repair

Sec. 11. Upon being issued a temporary certificate of inspection under section 10 of this chapter, the owner of a special purpose

bus or school bus shall have the special purpose bus or school bus repaired to meet the minimum standards under this chapter. After having the special purpose bus or school bus repaired to meet the minimum standards under this chapter, the owner of the special purpose bus or school bus shall present the special purpose bus or school bus for an inspection under section 2 of this chapter.

IC 20-27-7-12 Certificate of inspection after repair

Sec. 12. If after being repaired under section 11 of this chapter a special purpose bus or school bus meets the minimum standards under this chapter, the state police department shall issue a certificate of inspection under section 3 of this chapter.

IC 20-27-7-13 Out-of-service order and certificate; issuance

Sec. 13. If:

(1) after being repaired under section 11 of this chapter a special purpose bus or school bus does not meet the minimum standards under this chapter; or

(2) a special purpose bus or school bus is not repaired to meet the minimum standards under this chapter;

the state police department shall issue an out-of-service order and certificate for the special purpose bus or school bus. Each out-of-service order and certificate shall be served personally on the driver of the special purpose bus or school bus and a copy shall be forwarded to the governing body of the school corporation that controls the operation of the special purpose bus or school bus. After an out-of-service order and certificate have been issued, the affected special purpose bus or school bus may not be used to transport passengers until all defects have been corrected.

IC 20-27-7-14 Display of out-of-service certificate

Sec. 14. An out-of-service certificate issued under section 13 of this chapter shall be displayed as viewed from the outside in the lower left corner of the windshield of the special purpose bus or school bus for which the certificate is issued. However, if the left corner position obstructs the driver's view, the out-of-service certificate may be positioned on the bottom of the windshield so as to minimize the obstruction to the driver's view. The out-of-service certificate may be removed only by the state police department following an inspection that verifies that the special purpose bus or school bus meets the minimum standards under this chapter.

IC 20-27-7-15 Out-of-service order; appeal

Sec. 15. (a) An out-of-service order may be appealed to the committee not more than five (5) days after service of the order.

(b) Not more than ten (10) days after an appeal, the committee shall review the order and decide the matter.

(c) The committee may:

(1) uphold;

(2) modify; or

(3) set aside;

the order.

(d) While an out-of-service order is appealed, the order remains in full force until set aside or modified by the committee.

IC 20-27-7-16 Registration plate; application

Sec. 16. When the owner of a school bus applies for a registration plate under IC 9-18-2-7 or IC 9-18-2-8.5, the owner shall submit with the application a certificate of inspection issued under section 3 this chapter. If the certificate of inspection does not accompany an owner's application, the bureau of motor vehicles may not issue a registration plate.

IC 20-27-7-17 Registration fee

Sec. 17. A school bus driver shall be charged the same annual registration fee for a school bus that is operated under:

(1) a transportation contract with a school corporation; or

(2) a parents' supplemental transportation contract.

IC 20-27-7-18 Registration fee exemption

Sec. 18. (a) A school corporation that owns a school bus or a special purpose bus and uses the school bus or special purpose bus to transport students is exempt from the payment of the annual registration fee for the school bus or special purpose bus. On application by a school corporation, the commissioner of motor vehicles shall furnish registration number plates for exempted vehicles without charge. Application for registration of exempted vehicles shall be:

(1) made whenever a newly acquired school bus or special purpose bus requires a registration number plate;

(2) made whenever a registration number plate is transferred from one (1) school bus or special purpose bus owned by the school corporation to another school bus or special purpose bus owned by the school corporation;

(3) made in the name of the school corporation that owns the school bus or special purpose bus to be registered; and

(4) signed by the proper official of the school corporation.

(b) An owner other than a school corporation that owns a school bus or a special purpose bus and uses the school bus or special purpose bus to transport students is not exempt from annual registration as required under IC 9-18-2-8.5or payment of the annual registration fee for school buses.

As added by P.L.1-2005, SEC.11.

IC 20-27-7-19 Violation

Sec. 19. A person who knowingly, intentionally, or recklessly violates this chapter commits a Class C misdemeanor.

Chapter 8. School Bus Drivers

IC 20-27-8-1 School bus driver or school bus monitor; requirements

Sec. 1. (a) An individual may not drive a school bus for the transportation of students or be employed as a school bus monitor unless the individual satisfies the following requirements:

(1) Is of good moral character.

(2) Does not use intoxicating liquor during school hours.

(3) Does not use intoxicating liquor to excess at any time.

(4) Is not addicted to any narcotic drug.

(5) Is at least:

(A) twenty-one (21) years of age for driving a school bus; or

(B) eighteen (18) years of age for employment as a school bus monitor.

(6) In the case of a school bus driver, holds a valid public passenger chauffeur's license or commercial driver's license issued by the state or any other state.

(7) Possesses the following required physical characteristics:

(A) Sufficient physical ability to be a school bus driver, as determined by the committee.

(B) The full normal use of both hands, both arms, both feet, both legs, both eyes, and both ears.

(C) Freedom from any communicable disease that:

(i) may be transmitted through airborne or droplet means; or

(ii) requires isolation of the infected person under 410 IAC 1-2.3.

(D) Freedom from any mental, nervous, organic, or functional disease that might impair the person's ability to properly operate a school bus.

(E) Visual acuity, with or without glasses, of at least 20/40 in each eye and a field of vision with one hundred fifty (150) degree minimum and with depth perception of at least eighty percent (80%).

(b) This subsection applies to a school bus monitor. Notwithstanding subsection (a)(5)(B), a school corporation or school bus driver may not employ an individual who is less than twenty-one (21) years of age as a school bus monitor unless the school corporation or school bus driver does not receive a sufficient number of qualified applicants for employment as a school bus monitor who are at least twenty-one (21) years of age. A school corporation or school bus driver shall maintain a record of applicants, their ages, and their qualifications to show compliance with this subsection.

IC 20-27-8-2 School bus driver driving summary

Sec. 2. (a) Before a school corporation enters into a:

(1) contract with a school bus driver; or

(2) fleet contract under IC 20-27-5;

the school corporation shall obtain, at no fee from the bureau of motor vehicles, a copy of the school bus driver's driving summary for the last seven (7) years as maintained by the bureau of motor vehicles or the equivalent agency in another state.

(b) To obtain a copy of the school bus driver's driving summary as required under subsection (a), the school corporation shall provide the bureau of motor vehicles with the following information:

(1) The school bus driver's name.

(2) The school bus driver's Social Security number.

(3) Any other information required by the bureau of motor vehicles.

IC 20-27-8-3 Consumption or possession of controlled substance; offense

Sec. 3. (a) As used in this section, "controlled substance" has the meaning set forth in IC 35-48-1.

(b) An individual who is a school bus driver and who knowingly and intentionally:

(1) consumes a controlled substance or an intoxicating liquor within six (6) hours before:

(A) going on duty; or

(B) operating a school bus; or

(2) consumes or possesses a controlled substance or an intoxicating liquor while on duty or while operating a school bus; commits a Class A misdemeanor.

(c) It is a defense in a prosecution under this section if a controlled substance is consumed or possessed in accordance with a medical prescription issued by an Indiana physician to the individual who consumes or possesses the controlled substance.

IC 20-27-8-4 School bus driver; physical examination certificate

Sec. 4. An individual who is or intends to become a school bus driver must obtain a physical examination certificate stating that the individual possesses the physical characteristics required by section 1(a)(7) of this chapter. The certificate shall be made by a

physician who is licensed in Indiana or a state bordering Indiana after the physician has conducted a physical examination of the school bus driver or prospective school bus driver. The physician shall be chosen by the school bus driver or prospective driver, who shall pay for the examination.

IC 20-27-8-5 School bus driver; public passenger chauffeur license; physical examination timing

Sec. 5. (a) When an individual holds a contract to serve or is serving as a school bus driver at the time the individual obtains a public passenger chauffeur's license, the individual shall undergo the physical examination required by section 4 of this chapter at about the same time as the individual acquires the chauffeur's license. The certificate of examination and qualification shall be filed not more than seven (7) days after the examination.

(b) When an individual executes a contract to drive a school bus or begins serving as a school bus driver after obtaining a public passenger chauffeur's license, the individual may not drive a school bus unless:

(1) the individual files a certificate of a physical examination made at the time the individual last secured a public passenger chauffeur's license; or

(2) if a certificate was not made at the time of the prior examination or is unobtainable, the individual undergoes a new physical examination and files a certificate from that examination.

IC 20-27-8-6 School bus driver; additional physical examination

Sec. 6. A governing body may, at any time, require a school bus driver operating a school bus for the school corporation to submit to a physical examination by an Indiana physician selected by the corporation. The school corporation shall pay the cost of an examination under this section.

IC 20-27-8-7 Transportation or fleet contract; compensation

Sec. 7. When a school bus driver operates under a transportation or fleet contract, the compensation for the school bus driver or fleet contractor is determined and fixed by the contract on a per diem basis for the number of days on which:

(1) the calendar of the school corporation provides that students are to attend school;

(2) the driver is required by the school corporation to operate the bus on school related activities; and

(3) inservice training is required by statute or authorized by the school corporation, including the safety meeting workshops required under section 9 of this chapter.

IC 20-27-8-8 School bus driver employment contract; compensation

Sec. 8. The compensation of a school bus driver who is employed by a school corporation on a school year basis under an employment contract shall be fixed in the employment contract.

As added by P.L.1-2005, SEC.11.

IC 20-27-8-9 Annual safety meeting; attendance required

Sec. 9. A school bus driver, including a school bus driver who drives a bus for a nonpublic school, shall attend an annual safety meeting or workshop. A safety meeting or workshop may not exceed two (2) days in any one (1) calendar year.

IC 20-27-8-10 Preservice school bus driver safety experience and education requirements

Sec. 10. (a) An individual who does not have at least thirty (30) days experience in driving a school bus during the three (3) year period immediately preceding the effective date of the individual's assignment as a school bus driver for a public or nonpublic school that is accredited by the state board within Indiana shall satisfactorily complete a preservice school bus driver safety education training course. The course may not exceed forty (40) hours.

(b) Course attendance must be completed:

(1) before the assignment of an individual required to take the course as a school bus driver; or

(2) if immediate assignment is necessary, upon the completion of the next scheduled course following the assignment.

(c) The state superintendent shall provide instructors, adequate meeting facilities, registration forms, a uniform course of instruction, and all other necessary materials for the preservice school bus driver safety education meetings.

IC 20-27-8-10.5 Special purpose bus operator training

Sec. 10.5. (a) Not later than September 1, 2009, the department shall:

(1) develop;

(2) provide to the general assembly and the public; and

(3) implement;

a plan to promote safe driving practices for drivers of special purpose buses.

(b) The plan developed under subsection (a) must provide clear, concise information concerning statutes and rules that affect special purpose buses and special purpose bus drivers.

(c) The department shall update the plan developed under subsection (a) as necessary.

(d) The department shall distribute the plan developed under subsection (a) in the most cost effective manner, as determined by the department.

IC 20-27-8-11 Annual safety meeting; time and place

Sec. 11. The committee shall fix the date, time, and place for the annual safety meetings or workshops.

IC 20-27-8-12 Conduct of annual safety meeting

Sec. 12. The committee and the superintendent of the state police department shall provide instructors, adequate meeting facilities, and all other necessary facilities for the annual school bus driver safety meetings or workshops. The committee and the state police superintendent shall also prepare and furnish a uniform course of instruction to be used in the meetings or workshops.

IC 20-27-8-13 Annual safety meeting; registration

Sec. 13. (a) The committee shall provide a uniform system for the registration of school bus drivers who are required to attend the annual safety meetings or workshops. This registration system must do the following:

(1) Accurately reflect the attendance of each school bus driver at each session of the annual meeting or workshop.

(2) Provide a registration form indicating the school bus driver's name and legal address, and the name of the school the school bus driver represents.

(b) The state superintendent shall supervise registration of school bus drivers at the annual safety meetings or workshops.

(c) The principal of each school shall prepare and collect the attendance records of school bus drivers who attend any safety meeting or workshops and shall make a written report of the attendance records to the state superintendent not more than ten (10) days after the meeting or workshop.

(d) Records of attendance shall be filed in the office of the state superintendent and maintained there as public records for at least three (3) years.

IC 20-27-8-14 Annual safety meeting; nonattendance

Sec. 14. If a school bus driver for a school corporation fails or refuses to attend a school bus driver meeting or workshop, the governing body of the school corporation shall deduct one (1) day's compensation for each day of absence.

IC 20-27-8-15 School bus driver training certification

Sec. 15. (a) The driver of a school bus for a public or nonpublic school that is accredited by the state board shall have in the school bus driver's possession, while transporting passengers, a certificate that states the school bus driver has:

(1) enrolled in or completed a course in school bus driver safety education as required under sections 9 and 10 of this chapter; or

(2) operated a school bus at least thirty (30) days during the three (3) year period preceding the effective date of the school bus driver's employment.

(b) A certificate of enrollment in or completion of the course or courses in school bus driver safety education shall be prescribed by the committee and completed by the designated representative of the committee.

(c) A driver of a school bus who fails to complete the school bus driver safety education course or courses, as required, shall be reported by the person who conducted the course to the committee and to the school corporation where the school bus driver is employed or under contract.

(d) A driver of a school bus who fails to complete the school bus driver safety education course or courses, as required, may not drive a school bus within Indiana while transporting a student.

IC 20-27-8-16 Violation

Sec. 16. Except as provided in section 3(b) of this chapter, a person who knowingly, intentionally, or recklessly violates this chapter commits a Class C misdemeanor.

Chapter 9. Use of School Buses

IC 20-27-9-1 Generally

Sec. 1. (a) This section does not apply to the use of school buses owned and operated by:

(1) a nonpublic school; or

(2) a nonprofit agency with primary responsibility for the habilitation or rehabilitation of developmentally or physically disabled individuals.

(b) Except as provided under sections 2 through 15 of this chapter, a person may not operate or permit the operation of a school bus on a highway in Indiana for a private purpose or a purpose other than transportation of eligible students to and from school.

IC 20-27-9-2 Persons 65 years of age or older

Sec. 2. The governing body of a school corporation may allow, by written authorization, the use of a school bus for the transportation of adults at least sixty-five (65) years of age.

IC 20-27-9-3 School and other activities

Sec. 3. (a) The governing body of a school corporation may allow, by written authorization, the use of a school bus for

transportation of eligible students and necessary adult chaperones or of adults to and from an activity that is sponsored, controlled, supervised, or participated in by the governing body. The number and qualifications of adult chaperones under this section may be determined by the governing body.

(b) The governing body may allow, by written authorization, the use of a school bus for transportation of students and necessary adult chaperones to and from an educational or recreational activity approved or sponsored by a political subdivision if:

(1) the transportation originates from a place within the geographical limits of the school corporation served by the affected bus;

(2) the persons transported are Indiana residents; and

(3) the trip does not involve more than two hundred (200) miles of travel out of state.

IC 20-27-9-4 Transportation; chaperones

Sec. 4. (a) The governing body of a school corporation may, by written authorization, allow the use of a school bus for transportation:

(1) of preschool children who attend preschool offered by the school corporation or under a contract entered into by the school corporation to and from the preschool facility site; and

(2) subject to the geographic and residency requirements set forth in section 3(b) of this chapter, of preschool children and necessary adult chaperones to and from an educational or recreational activity approved or sponsored by the governing body for the preschool children.

(b) The number and qualifications of adult chaperones under subsection (a)(2) may be determined by the governing body.

IC 20-27-9-5 Use of special purpose bus

Sec. 5. (a) A special purpose bus may be used:

(1) by a school corporation to provide regular transportation of a student between one (1) school and another school but not between the student's residence and the school;

(2) to transport students and their supervisors, including coaches, managers, and sponsors to athletic or other extracurricular school activities and field trips;

(3) by a school corporation to provide transportation between an individual's residence and the school for an individual enrolled in a special program for the habilitation or rehabilitation of developmentally disabled or physically disabled persons; and

(4) to transport homeless students under IC 20-27-12.

(b) The mileage limitation of section 3 of this chapter does not apply to special purpose buses.

(c) The operator of a special purpose bus must be at least twenty-one (21) years of age, be authorized by the school corporation, and meet the following requirements:

(1) If the special purpose bus has a capacity of less than sixteen (16) passengers, the operator must:

hold a valid:

(A) operator's;

(B) chauffeur's;

(C) public passenger chauffeur's; or

(D) commercial driver's;

license.

(2) If the special purpose bus has a capacity of more than fifteen (15) passengers, the operator must meet the requirements for a school bus driver set out in IC 20-27-8.

(d) A special purpose bus is not required to be constructed, equipped, or painted as specified for school buses under this article or by the rules of the committee.

(e) An owner or operator of a special purpose bus, other than a special purpose bus owned or operated by a school corporation or a nonpublic school, is subject to IC 8-2.1.

IC 20-27-9-6 Groups and organizations

Sec. 6. (a) In addition to the exemptions granted in this chapter and notwithstanding section 16 of this chapter, a school corporation may allow a school bus operated under a fleet or transportation contract and not owned in whole or in part by a public agency to be used for the transportation of a group or an organization for any distance, if that group or organization agrees to maintain the condition of the school bus and to maintain order on the school bus while in use.

(b) When authorizing transportation described in subsection (a), the school corporation shall require the owner of the school bus to:

(1) obtain written authorization of the superintendent of the contracting school corporation;

(2) clearly identify the school bus with the name of the sponsoring group; and

(3) provide proof to the superintendent and the sponsoring group of financial responsibility, as required by IC 9-25 and IC 20-27-5-9 for the transportation.

(c) The governing body of a school corporation may allow, by written authorization, the use of a school bus owned in whole or in part by the school corporation for the transportation needs of a fair or festival operated by or affiliated with a nonprofit organization exempt from federal taxation under Section 501(c)(3) through 501(c)(7) of the Internal Revenue Code.

IC 20-27-9-7 Developmentally disabled persons

Sec. 7. (a) As used in this section, "developmentally disabled person" means a person who has a developmental disability (as defined in IC 12-7-2-61).

(b) A special education cooperative operating under IC 36-1-7, IC 20-35-5, or IC 20-26-10 or a school corporation may enter into an agreement with a state supported agency serving developmentally disabled persons in which a school bus or special purpose bus used by the special education cooperative or school corporation may be used to transport developmentally disabled persons who:

(1) are at least two (2) years of age; and

(2) live within the boundaries of the special education cooperative or school corporation;

to and from programs for the developmentally disabled.

(c) An increased cost of transportation for developmentally disabled persons not reimbursed under IC 21-3-3.1 shall be borne by the persons transported or the state supported agency serving the developmentally disabled. However, a developmentally disabled person may not be required to pay for transportation provided under this section if the required payment is contrary to law.

IC 20-27-9-8 Employee meetings

Sec. 8. The governing body of a school corporation may use a school bus to transport school employees to and from a meeting that is authorized or required for the employees either locally or by the state. This includes a meeting conducted by the school corporation.

IC 20-27-9-9 Public emergency

Sec. 9. The governing body of a school corporation may allow the use of a school bus during a local, state, or national emergency when requested by any governmental authority.

IC 20-27-9-10 Agricultural workers

Sec. 10. (a) The governing body of a school corporation may allow the use of a school bus for the transportation of agricultural workers engaged in cultivating, producing, or harvesting crops.

(b) A school bus used under this section may transport only the school bus driver, a supervisor or foreman, students, and enrolled college or university students.

(c) When a school bus is used to transport agricultural workers, a sign shall be displayed on the front and on the rear of the school bus. The sign must carry the words "Agricultural Workers" in letters at least four (4) inches in height. These signs may be removed or covered whenever the school bus is not being used to transport agricultural workers.

(d) Notwithstanding any other provision of this article or IC 9, if a school bus:

(1) is:

(A) registered as a school bus; and

(B) in compliance with all safety and equipment related requirements for a school bus;

in a state other than Indiana;

(2) while in Indiana is used solely to transport agricultural workers employed to detassel corn; and

(3) is operated in accordance with subsection (e);

the out-of-state school bus may be operated for not more than sixty (60) days in a calendar year in Indiana without meeting the inspection and safety requirements of this article.

(e) Before operating a school bus described in subsection (d), an individual must:

(1) be licensed to operate a school bus in:

(A) the state in which the school bus is registered; or

(B) Indiana; and

(2) annually give written notice to the committee at least ten (10) days before the school bus is operated in Indiana of the:

(A) jurisdiction in which the school bus has been registered and inspected for safety and equipment related requirements;

(B) approximate dates that the school bus will be operated in Indiana; and

(C) license plate number of the school bus.

IC 20-27-9-11 Day care centers; developmentally and physically disabled persons

Sec. 11. (a) As used in this section, "day care center" means an institution operated primarily for the purpose of providing:

(1) care;

(2) maintenance; or

(3) supervision and instruction;

to children who are less than six (6) years of age and are separated from their parent for more than four (4) hours but less than twenty-four (24) hours a day for at least ten (10) consecutive workdays.

(b) A:

(1) day care center; or

(2) nonprofit agency with primary responsibility for the habilitation or rehabilitation of developmentally disabled or physically disabled persons;

may own, operate, lease, or contract for a school bus that meets the color, equipment, and other requirements of the committee.

(c) The school bus must be used only for the purpose of transporting:
(1) persons in the care of the day care center or agency; and
(2) supervisors of those persons;
to and from educational, social, recreational, or occupational functions.
(d) If an entity described in subsection (b) acquires:
(1) a school bus; or
(2) the use of a school bus;
authorized under subsection (b), each driver of the school bus authorized by the entity must comply with the requirements imposed upon persons transporting students under IC 20-27-8 in order to be certified by the department as a school bus driver.

IC 20-27-9-12 Child care center

Sec. 12. (a) As used in this section, "child care center" means a nonresidential building where at least one (1) child receives child care from a provider licensed under IC 12-17.2-4:
(1) while unattended by a parent;
(2) for regular compensation; and
(3) for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.
(b) This subsection does not apply to a developmentally disabled or physically disabled person who is provided transportation by a school corporation by means of a special purpose bus as provided in section 5(a)(3) of this chapter. An individual or entity who transports children in the care of a:
(1) preschool operated by a school corporation;
(2) public elementary school; or
(3) public secondary school;
on a public highway (as defined in IC 9-25-2-4) within or outside Indiana shall transport the children only in a school bus. However, a special purpose bus may be used for transportation of the children to activities other than regular transportation between the residences of the children and the school.
(c) An individual or entity that transports children in the care of a child care center on a public highway (as defined in IC 9-25-2-4) within or outside Indiana in a vehicle designed and constructed for the accommodation of more than ten (10) passengers shall transport the children only in a school bus or special purpose bus.
(d) The operator of a:
(1) school bus that transports children as required under subsection (b) or (c) must meet the requirements of IC 20-27-8; and
(2) special purpose bus that transports children as required under subsection (b) or (c) must meet the requirements of section 5(c) of this chapter.
(e) This section does not prohibit the use of a public transportation system for the transportation of children if the motor carriage used is designed to carry at least twenty (20) passengers.
(f) This section does not prohibit a:
(1) preschool operated by a school corporation;
(2) public elementary school;
(3) public secondary school; or
(4) child care center;
from contracting with a common carrier for incidental charter bus service for nonregular transportation if the carrier and the carrier's motor coach comply with the Federal Motor Carrier Safety Regulations as prescribed by the United States Department of Transportation Federal Highway Administration.
(g) Notwithstanding section 17 of this chapter, a person who violates this section commits a Class B infraction.

IC 20-27-9-13 Travel for repair and maintenance

Sec. 13. The governing body of a school corporation may allow its school buses to travel to and from a garage or repair area for maintenance or repair.

IC 20-27-9-14 Proof of financial responsibility

Sec. 14. The governing body of a school corporation that authorizes the operation of a school bus under sections 1 through 13 of this chapter shall file proof of financial responsibility as required by IC 9-25.

IC 20-27-9-15 Responsibility for funds from transportation

Sec. 15. The governing body of a school corporation shall have sole control of and shall account for all funds received for the transportation of students and the transportation of other groups authorized by sections 1 through 14 of this chapter.

IC 20-27-9-16 Bus not used to transport students; modification required

Sec. 16. (a) Except as provided in subsection (b), whenever a school bus is purchased for and is being used for any purpose except to transport students, the purchaser shall:
(1) remove the flasher lights;

(2) remove the stop arm; and
(3) paint the bus any color except the national standard school bus chrome yellow.
(b) Whenever a school bus is purchased for use, and is being used, as a church bus (as defined in IC 9-29-5-9(a)), the purchaser:
(1) may retain the flasher lights if the purchaser renders the flasher lights inoperable;
(2) may retain the stop arm if the purchaser renders the stop arm inoperable; and
(3) shall paint the bus any color except the national standard school bus chrome yellow.

IC 20-27-9-17 Violation
Sec. 17. Except as provided in this article, a person who knowingly, intentionally, or recklessly violates this chapter commits a Class C misdemeanor.

Chapter 10. School Bus Safety

IC 20-27-10-1 Loading conveniences
Sec. 1. To promote safety in school bus operations, school corporations shall cooperate with the civil divisions of local and state government to provide necessary loading and unloading conveniences as an accessory to public streets and highways. The cost of providing these conveniences shall be paid by the civil divisions of government.

IC 20-27-10-2 Discipline on school bus
Sec. 2. When students are being transported on a school bus, the students are under the supervision, direction, and control of the school bus driver and are subject to disciplinary measures by the school bus driver and the governing body of the school corporation.

IC 20-27-10-3 Capacity of school bus
Sec. 3. A governing body may not require a school bus driver to transport students for whom a regular seat is not available in the school bus.

IC 20-27-10-4 Violation
Sec. 4. A person who knowingly, intentionally, or recklessly violates this chapter commits a Class C misdemeanor.

Chapter 11. Transportation Costs

IC 20-27-11-1 Transportation cost; nonpublic school student
Sec. 1. (a) If a student who attends a nonpublic school in a school corporation resides on or along the highway constituting the regular route of a public school bus, the governing body of the school corporation shall provide transportation for the nonpublic school student on the school bus.
(b) The transportation provided under this section must be from the home of the nonpublic school student or from a point on the regular route nearest or most easily accessible to the home of the nonpublic school student to and from the nonpublic school or to and from the point on the regular route that is nearest or most easily accessible to the nonpublic school.

IC 20-27-11-2 Transportation cost; student living on state owned property
Sec. 2. (a) Except as provided in subsection (b), a student who resides on state owned property and attends a public school away from the student's residence shall be furnished transportation in a public school bus to and from the student's residence and the public school the student attends. Expenses for the transportation shall be paid out of the state general fund, without further appropriation, on allowance by the state superintendent.
(b) This section does not apply to students who reside on property owned by Indiana University, Purdue University, Ball State University, or Indiana State University.

IC 20-27-11-3 Transportation cost; high school student
Sec. 3. (a) If a school corporation does not maintain or operate a high school and a high school student who resides in the school corporation is transferred to attend a high school in a contiguous school corporation, the governing bodies of the school corporations may enter into an agreement for the transportation of the student.
(b) The agreement under subsection (a) must specify that the transportation shall be provided by the receiving school corporation and that the costs of transportation shall be paid by the transferring school corporation out of the school corporation's special school funds. The costs of transportation shall be calculated from the per capita cost for each student transported and shall be mutually agreed upon by both governing bodies. Payment of transportation charges shall be made at the same time and in the same manner as payments of transfer tuition are made for transferred students.

IC 20-27-11-4 Transportation cost; contracts

Sec. 4. The governing body of a school corporation that transfers a student to another school corporation may contract with the receiving corporation for the provision of transportation costs for the transferred student.

Chapter 12. Transportation of Homeless Students

IC20-27-12-1 Original school corporation

Sec. 1. As used in this chapter, "original school corporation" refers to a school corporation in which a homeless student's school of origin is located.

IC 20-27-12-2 School of Origin

Sec. 2. As used in this chapter, "school of origin" means the school:

(1) that a homeless student attended when the student last had a permanent residence; or

(2) in which the homeless student was last enrolled.

IC 20-27-12-3 Transitional School Corporation

Sec. 3. As used in this chapter, "transitional school corporation" refers to a school corporation in which a homeless student temporarily stays.

IC 20-27-12-4 Transportation of homeless student to school of origin; between school corporations; shared responsibility

Sec. 4. (a) If a homeless student temporarily stays in the homeless student's original school corporation but outside the attendance area for the school of origin, the original school corporation shall provide transportation for the homeless student from the place where the homeless student is temporarily staying to the school of origin.

(b) If:

(1) a homeless student's school of origin is located in a school corporation in which the homeless student does not temporarily stay; and

(2) the homeless student does not elect to attend a school located in the school corporation in which the homeless student is temporarily staying;

the original school corporation and the transitional school corporation shall enter into an agreement concerning the responsibility for and apportionment of the costs of transporting the homeless student to the school of origin.

(c) If the original school corporation and the transitional school corporation are unable to reach an agreement under subsection (b), the responsibility for transporting the homeless student to the school of origin is shared equally between both school corporations, and the cost of transporting the homeless student to the school of origin is apportioned equally between both school corporations.

IC 20-27-12-5 Vehicles used to transport homeless students

Sec. 5. (a) A school corporation may use the following types of vehicles in transporting a homeless student to a school of origin:

(1) If at least four (4) homeless students are being transported to schools in the same school corporation, a special purpose bus must be used to transport the students.

(2) If three (3) or fewer students are being transported to schools in the same school corporation, an appropriate vehicle owned by the school corporation may be used to transport the students.

(b) The driver of a vehicle used to transport homeless students to a school of origin under subsection (a) must meet the qualifications set forth in IC 20-27-9-5(c).

Title 20, Article 50

Homeless Children and Foster Care Children

Chapter 3. Transportation of Students in Foster Care

IC 20-50-3-1 Application

Sec. 1. This chapter applies after June 30, 2009.

IC 20-50-3-2 Original school corporation

Sec. 2. As used in this chapter, "original school corporation" means the school corporation in which the school of origin of a student in foster care is located.

IC 20-50-3-3 School of origin

Sec. 3. As used in this chapter, "school of origin" means the school:

(1) that a student in foster care attended when the student last had a permanent residence; or

(2) in which a student in foster care was last enrolled.

IC 20-50-3-4 Transitional school corporation

Sec. 4. As used in this chapter, "transitional school corporation" means the school corporation in which a student in foster care

temporarily stays.

IC 20-50-3-5 Transportation of students in foster care

Sec. 5. (a) If a student in foster care temporarily stays in the student's original school corporation but outside the attendance area of the student's school of origin, the original school corporation shall provide transportation for the student from the place where the student is temporarily staying to the school of origin and from the school of origin to the place where the student is temporarily staying.

(b) If:

(1) the school of origin of a student in foster care is located in a school corporation other than the school corporation in which the student is temporarily staying;

(2) the school of origin is located in a school corporation that adjoins the school corporation in which the student is temporarily staying; and

(3) the student does not elect to attend a school located in the school corporation in which the student in foster care is temporarily staying;

the original school corporation and the transitional school corporation shall enter into an agreement concerning the responsibility for and apportionment of the costs of transporting the student to and from the school of origin.

(c) If the original school corporation and the transitional school corporation described in subsection (b) are unable to reach an agreement under subsection (b), the responsibility for transporting the student in foster care to and from the school of origin is shared equally between both school corporations, and the cost of transporting the student to and from the school of origin is apportioned equally between both school corporations.

Title 9, Article 21

Traffic Regulation

Chapter 5. Speed Limits (selected)

IC 9-21-5-13 Violations

Sec. 13. (a) Except as provided in subsections (b) and (c), a person who violates this chapter commits a Class C infraction.

(b) A person who exceeds a speed limit that is:

(1) established under section 6 of this chapter and imposed only in the immediate vicinity of a school when children are present; or

(2) established under section 11 of this chapter and imposed only in the immediate vicinity of a worksite when workers are present;

commits a Class B infraction.

(c) A person who while operating a school bus knowingly or intentionally exceeds a speed limit set forth in section 14 of this chapter commits a Class C misdemeanor.

IC 9-21-5-14 Maximum speed of school buses

Sec. 14. (a) A person may not operate a school bus or a special purpose bus at a speed greater than:

(1) sixty (60) miles per hour on a federal or state highway; or

(2) forty (40) miles per hour on a county or township highway.

(b) If the posted speed limit is lower than the absolute limits set in this section or if the absolute limits do not apply, the maximum lawful speed of a bus is the posted speed limit.

Chapter 12. School Buses; Fire and Emergency Vehicles (selected)

IC 9-21-12-1 Arm signal device; duty to obey; presumption

Sec. 1. (a) A person who drives a vehicle that:

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

(2) proceeds before the arm signal device is no longer extended;

commits the offense described in section 9 of this chapter.

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

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

IC 9-21-12-2 Operation of school bus upon highway for purposes other than transportation of children; concealment of markings

Sec. 2. Whenever a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school or other school related activities, all markings on the school bus indicating "school bus" shall be covered or concealed.

IC 9-21-12-3 Divided highways; vehicles approaching school bus; duty to use caution

Sec. 3. On a highway divided into two (2) or more roadways by:

(1) leaving an intervening space that is unimproved and not intended for vehicular travel;

(2) a physical barrier; or

(3) a dividing section constructed to impede vehicular traffic; and

if the school bus is on the opposite side of the traffic barrier, the person who drives an approaching vehicle need not stop and may proceed with due caution for the safety of children boarding or leaving the school bus.

IC 9-21-12-4 Design and operation of school buses; rules; adoption

Sec. 4. (a) The state school bus committee established by IC 20-27-3-1 shall adopt and enforce rules that are consistent with this chapter to govern the design and operation of all school buses used for the transportation of school children that are:

(1) owned and operated by a school corporation; or

(2) privately owned and operated under contract with a school corporation;

in Indiana. Rules adopted under this section shall by reference be made a part of a contract between a private school bus company and a school corporation.

(b) Each school corporation, the school corporation's officers and employees, and every person employed under contract by a school district is subject to the rules adopted under this section.

IC 9-21-12-9 Violations of IC 9-21-12-1 or IC 9-21-12-2 of this chapter

Sec. 9. A person who violates section 1 of this chapter commits a Class A infraction. A person who violates section 2 of this chapter commits a Class C misdemeanor.

IC 9-21-12-10 Violation of provisions relating to design and operation of school buses; breach of contract

Sec. 10. A person who violates section 4 of this chapter commits breach of contract.

IC 9-21-12-11 Violations

Sec. 11. (a) A person who violates section 5, 6, 7, or 19 of this chapter commits a Class C infraction.

(b) A person who knowingly or intentionally violates section 12, 13, 14, 15, 16, or 17 of this chapter commits a Class C misdemeanor.

(c) A person described in section 18(b), 18(c), or 18(d) of this chapter commits a Class B infraction.

IC 9-21-12-12 School bus loading and unloading on highway

Sec. 12. When a school bus is operated on a highway, the driver shall load and unload a student as close as practical to the right-hand curb or edge of the roadway.

IC 9-21-12-13 School bus; arm signal device

Sec. 13. (a) Except:

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

(2) when a school bus is stopped at an intersection or another place where traffic is controlled by a traffic control device or a police officer; whenever a school bus is stopped on a roadway to load or unload a student, the driver shall use an arm signal device, which must be extended while the bus is stopped.

(b) The governing body of a public school may authorize a school bus driver to load or unload a student at a location off the roadway that the governing body designates as a special school bus loading area. The driver is not required to extend the arm signal device when loading or unloading a student in the designated area.

IC 9-21-12-14 School bus; directional signal

Sec. 14. Before a driver changes the direction of a school bus, the driver shall use a directional signal to indicate the change at least one hundred (100) feet before the driver turns.

IC 9-21-12-15 School bus; flashing lights

Sec. 15. The driver of a school bus shall use flashing lights as prescribed by the state school bus committee to give adequate warning that the school bus is stopped or about to stop on the roadway to load or unload a student.

IC 9-21-12-16 Forward area of school bus off limits to children

Sec. 16. When a school bus is in motion, students are prohibited from occupying any space forward of a vertical plane drawn through the rear of the driver's seat and perpendicular to the longitudinal axis of the bus. Every school bus must:

(1) be marked with a line or otherwise equipped in order to indicate the prohibited area to students; and
(2) have clearly posted, at or near the front of the bus, a sign stating that it is a violation of Indiana law for a school bus to be operated with any students occupying the prohibited area.

IC 9-21-12-17 School bus; stop required at railroad crossing; driver penalties

Sec. 17. (a) Except as provided in subsection (b), before crossing any railroad track at grade, the driver of a school bus or special purpose bus shall stop the bus within fifty (50) feet but not less than fifteen (15) feet from the nearest rail. While the bus is stopped, the driver shall:
(1) listen through an open door;
(2) look in both directions along the track for an approaching train; and
(3) look for signals indicating the approach of a train.
The driver may not proceed until it is safe to proceed. When it is safe to proceed, the driver shall select a gear that will allow the driver to cross the tracks without changing gears. The driver may not shift gears while crossing the tracks.
(b) The driver is not required to stop when a police officer is directing the flow of traffic across railroad tracks.
(c) Upon conviction of a violation of this section, a driver shall have the driver's operator's license suspended for a period of not less than sixty (60) days in addition to the penalties provided by section 11 of this chapter.

IC 9-21-12-18 School bus; special purpose bus; emergency exit blocking prohibited; penalties

Sec. 18. (a) Whenever a school bus or special purpose bus is at a place of departure for transporting passengers, the school bus or special purpose bus emergency escape exits, doors, emergency exit windows, roof exits, and service doors must be free of any obstruction that:
(1) inhibits or obstructs an exit; or
(2) renders the means of exit hazardous.
(b) A driver who knowingly operates a school bus or special purpose bus in violation of subsection (a) is subject to section 11(c) of this chapter.
(c) A person who knowingly directs a driver to operate a school bus or special purpose bus in violation of subsection (a) is subject to section 11(c) of this chapter.
(d) A school corporation or an entity that employs:
(1) a driver who knowingly operates a school bus or special purpose bus in violation of subsection (a); or
(2) a person who knowingly directs a driver to operate a school bus or special purpose bus in violation of subsection (a);
is subject to section 11(c) of this chapter.

IC 9-21-12-19 School bus; special purpose bus post trip inspection

Sec. 19. (a) A person who operates a school bus or a special purpose bus shall visually inspect each seat within the interior of the school bus or special purpose bus at the end of a trip during which students or passengers are transported to determine that no student or passenger has remained on the school bus or special purpose bus.
(b) The visual inspection required under subsection (a) must be conducted:
(1) at the conclusion of each trip during which students or passengers are transported; and
(2) before the operator exits the school bus or special purpose bus.
(c) A student or passenger is considered to have been left on a school bus or special purpose bus if:
(1) the operator has reached the end of a trip during which students or passengers are transported and exited the school bus or special purpose bus; and
(2) the student or passenger remains inside the school bus or special purpose bus.
(d) A school bus or special purpose bus owner shall report all instances of a student or passenger being left on the school bus or special purpose bus to the superintendent or the superintendent's designee immediately after the incident occurred.
(e) The superintendent or the superintendent's designee shall report all instances of a student or passenger being left on the school bus or special purpose bus to the department of education not later than five (5) working days after the incident occurred.

Title 9, Article 19

Motor Vehicle Equipment

Chapter 13. School Bus Design and Equipment (selected)

IC 9-19-13-1 State school bus committee rules; contracts for pupil transportation; school district officers and employees

Sec. 1. The state school bus committee established by IC 20-27-3-1 shall adopt and enforce rules under IC 4-22-2 not inconsistent with this chapter to govern the design and operation of all school buses used for the transportation of school children when owned and operated by a school corporation or privately owned and operated under contract with an Indiana school corporation. The rules must by reference be made a part of such a contract with a school corporation. Each school corporation,

officer and employee of the school corporation, and person employed under contract by a school district is subject to those rules.

IC 9-19-13-2 Misconduct of school corporation officers or employees

Sec. 2. An officer or employee of a school corporation who:

(1) violates any of the rules adopted by the state school bus committee concerning the design and operation of school buses; or

(2) fails to include an obligation to comply with those rules in a contract executed by the officer or employee on behalf of a school corporation; is guilty of misconduct and subject to removal from office or employment.

IC 9-19-13-3 Failure by contract operators to comply with rules; breach of contract

Sec. 3. A person operating a school bus under contract with a school corporation who fails to comply with any of the rules adopted by the state school bus committee concerning the design and operation of school buses is guilty of breach of contract. The contract may be canceled after notice and hearing by responsible officers of the school corporation.

IC 9-19-13-4 Equipment required

Sec. 4. A bus used to transport school children must be equipped as follows:

(1) At least two (2) signal lamps mounted as high and as widely spaced laterally as practicable, capable of displaying the front two (2) alternately flashing red lights located at the same level, and having sufficient intensity to be visible at five hundred (500) feet in normal sunlight.

(2) As required by the state school bus committee under IC 20-27-3-4.

(3) As required by IC 20-27-9.

Selected Additional Statutes

IC 9-21-8-52 Reckless Driving

Sec. 52. (a) A person who operates a vehicle and who recklessly:

(1) drives at such an unreasonably high rate of speed or at such an unreasonably low rate of speed under the circumstances as to:
(A) endanger the safety or the property of others; or
(B) block the proper flow of traffic;

(2) passes another vehicle from the rear while on a slope or on a curve where vision is obstructed for a distance of less than five hundred (500) feet ahead;

(3) drives in and out of a line of traffic, except as otherwise permitted;

(4) speeds up or refuses to give one-half (½) of the roadway to a driver overtaking and desiring to pass;

commits a Class B misdemeanor.

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

(c) If an offense under subsection (a) or (b) results in damage to the property of another person or bodily injury to another person, the court shall recommend the suspension of the current driving license of the person for a fixed period of:

(1) not less than thirty (30) days; and

(2) not more than one (1) year.

IC 9-13-2-73 Highway or street

Sec. 73. "Highway" or "street" means the entire width between the boundary lines of every publicly maintained way when any part of the way is open to the use of the public for purposes of vehicular travel. The term includes an alley in a city or town.

IC 9-13-2-157 Roadway

Sec. 157. "Roadway" means that part of a highway improved, designed, or ordinarily used for vehicular travel.

IC 35-50-3-2 Class A Misdemeanor

Sec. 2. A person who commits a Class A misdemeanor shall be imprisoned for a fixed term of not more than one (1) year; in addition, he may be fined not more than five thousand dollars ($5,000).

IC 35-50-3-3 Class B Misdemeanor

Sec. 3. A person who commits a Class B misdemeanor shall be imprisoned for a fixed term of not more than one hundred eighty (180) days; in addition, he may be fined not more than one thousand dollars ($1,000).

IC 35-50-3-4 Class C Misdemeanor

Sec. 4. A person who commits a Class C misdemeanor shall be imprisoned for a fixed term of not more than sixty (60) days; in addition, he may be fined not more than five hundred dollars ($500).

IC 34-28-5-4 Maximum judgments
Sec. 4. (a) A judgment of up to ten thousand dollars ($10,000) may be entered for a violation constituting a **Class A infraction**.

(b) A judgment of up to one thousand dollars ($1,000) may be entered for a violation constituting a **Class B infraction**.

(c) A judgment of up to five hundred dollars ($500) may be entered for a violation constituting a **Class C infraction**.

(d) A judgment of up to twenty-five dollars ($25) may be entered for a violation constituting a **Class D infraction**.

(e) Subject to section 1(g) of this chapter, a judgment: (1) up to the amount requested in the complaint; and (2) not exceeding any limitation under IC 36-1-3-8; may be entered for an ordinance violation. (Emphasis added)

Office of School Transportation and Emergency Planning
Policy for School Bus Driver Certification
May 2009

The 1977 Indiana General Assembly enacted Public Law 123 mandating the training and certification of school bus drivers. In conjunction with the Indiana State School Bus Committee the following policy statement is used by the Office of School Transportation and Emergency Planning to implement the training and certification requirements of the statute.

Training Requirements

Current requirements for certification consist of preservice classroom instruction, on-bus observation, and behind-the-wheel operation of a school bus. The observation and behind-the-wheel segments are performed under the supervision of an Indiana certified school bus driver and are completed in cooperation with the school corporation or employer. The observation and behind-the-wheel segments are documented in a manner acceptable to the school corporation or employer and reported to the Office of School Transportation and Emergency Planning electronically in DOE Online. (https://dc.doe.state.in.us/doeonline/login.aspx) By statute, the training provided by the Department of Education may not exceed forty (40) hours. However, each school corporation or employer is encouraged to supplement these requirements with local policy philosophies and procedures.

The training requirements may be completed in any sequence. However, when a trainee is performing any school bus driving function they must possess a Certificate of Enrollment and an appropriate driver's license.

Preservice classes are conducted throughout Indiana and scheduled by the Office of School Transportation and Emergency Planning. The class schedule is available at *www.doe.in.gov/safety.*

Certificate of Enrollment

Purpose

The certificate of enrollment, commonly called a 'blue card', is a temporary training card authorizing the school bus driver trainee to transport passengers while completing the certification process. Statute requires the certificate to be valid and in the driver trainee's possession when transporting passengers. A driver trainer is considered a passenger and the trainee must possess a valid certificate of enrollment to operate the school bus. The certificate is used in conjunction with a commercial driver's license or public passenger chauffeur license.

Obtaining a Certificate of Enrollment

The certificate is issued by the Office of School Transportation and Emergency Planning in two ways:

(a) at the school corporation or employer's request, prior to the trainee attending a preservice class; or
(b) issued to the trainee at a preservice class.

A certificate requested by the school corporation or employer must include:

(a) the trainee's legal name as it appears on their driver's license;
(b) the last four digits of the trainee's social security number; and
(c) the school corporation or employer's name, address, city, and zip code.

The request may be by mail, facsimile, or E-mail. Telephone requests cannot be accommodated.

Expiration and Renewal

The certificate of enrollment is valid for 180 days from the date of issue.

The request for an extension must be in writing from the school corporation or employer. The request may be by mail, facsimile, or E-mail.

The office reserves the right to limit the number of extensions.

Previously Certified Driver

A previously certified school bus driver is eligible for a one-time only enrollment certificate. It is valid for 90 days from the date of issue. The request must be in writing from the school corporation or employer. For reinstatement of the standard certificate refer to: Standard Certificate, Failure To Attend Annual Safety Meeting.

Standard Certificate

Purpose

The standard certificate, commonly called a 'yellow card', indicates completion of the training requirements, replaces the enrollment certificate, and also authorizes the driver to transport passengers. State statute requires the certificate to be valid and in the driver's possession when transporting passengers. It is used in conjunction with a commercial driver's license or public passenger chauffeur license.

Obtaining a Standard Certificate

A trainee must complete the preservice class, the on-bus observation, and behind-the-wheel operation hours to receive a Standard Certificate.

The observation and behind-the-wheel operation requirements are four (4) and eight (8) hours respectively. The hours must be supervised by an Indiana certified school bus driver and documented in any manner selected by the school corporation or employer. The observation and behind-the-wheel hours must be submitted electronically in DOE Online by the school corporation or employer not later than the one year anniversary of the trainee's attendance at the preservice class.

Expiration and Renewal

Standard certificates expire on December 31 of each calendar year. A driver who attends a preservice class prior to June is required to attend the annual safety meeting. A driver who completes a preservice class after May will be issued a standard certificate valid through December 31 of the next calendar year.

Every school bus driver, including a driver trainee with an enrollment certificate, is required by state statute to attend the annual safety meeting. Attendance at this meeting satisfies the in-service requirement of statute and when applicable re-news the driver's standard certificate for the next calendar year. The standard certificate for each driver is returned to the school corporation or employer shown in the office's database.

A driver may renew the standard certificate for the following calendar year by completing the annual safety meeting in the method chosen by the school corporation or employer.

Failure to Attend Annual Safety Meeting

Notwithstanding the penalty provided in I.C. 20-27-8-14, annual safety meeting; nonattendance; penalty, a person may re-instate the standard certificate by completing the annual safety meeting program, providing the certificate has not been expired for more three consecutive years.

A driver is not allowed to attend the preservice class to re-instate the standard certificate.

A person who has failed to attend the annual safety meeting for three consecutive years is required to complete all training requirements for certification. Refer to: Training Requirements and Certificate of Enrollment.

There is no waiver available from the State School Bus Committee or the Office of School Transportation and Emergency Planning.

Grandfathering

Previous experience may be substituted in lieu of training requirements. To be eligible a person must have a minimum of 30 days school bus driving experience in Indiana for a public or non-public school accredited by the State Board of Education. The experience must be within the three years immediately preceding the effective date of the person's assignment as a school bus

driver.

Direct inquires to the Office of School Transportation and Emergency Planning.

Persons with school bus driving experience in agencies, not-for-profit organizations, or out-of-state employers are not eligible.

Contacting the Office

Mail: Indiana Department of Education
Office of School Transportation and Emergency Planning
151 West Ohio Street
Indianapolis, IN 46204-2798

Telephone: 317-232-0890
Facsimile: 317-233-0858
E-mail: sts support@doe.state.in.us
Internet: http://www.doe.in.gov/safety

Indiana Code References

I.C. 20-27-8-9 Annual Safety Meeting; Attendance Required
I.C. 20-27-8-10 Preservice School Bus Driving Safety Education Training Course
I.C. 20-27-8-11 Annual Safety Meeting; Time and Place
I.C. 20-27-8-12 Annual Safety Meeting; Responsibility To Conduct
I.C. 20-27-8-13 Annual Safety Meeting; Registration
I.C. 20-27-8-14 Annual Safety Meeting; Non-attendance; Penalty
I.C. 20-27-8-15 Training Certification
I.C. 20-27-9-11 Use Of School Buses; Day Care Centers; Developmentally and Physically Disabled Persons
I.C. 20-5-2-7 Policy Mandate for Criminal History Information of Non-Certified and Contracted Employees

Policy Notification Statement

It is the policy of the Indiana Department of Education not to discriminate on the basis of race, color, religion, sex, national origin, age, or disability, in its programs, activities, or employment policies as required by the Indiana Civil Rights Law (I.C. 22-9-1), Title VI and VII (Civil Rights Act of 1964), the Equal Pay Act of 1973, Title IX (Educational Amendments), Section 504 (Rehabilitation Act of 1973), and the Americans with Disabilities Act (42 USCS ss 12101, *et. seq*.).

Inquiries regarding compliance by the Indiana Department of Education with Title IX and other civil rights laws may be directed to the Human Resources Director, Indiana Department of Education, Room 229, State House, Indianapolis, IN 46204-2798, or by telephone to 317-232-6610, or the Director of the Office for Civil Rights, U.S. Department of Education, 111 North Canal Street, Suite 1053, Chicago, IL 60606-7204 — **Dr. Tony Bennett, State Superintendent of Public Instruction.**

Disclaimer

This booklet is provided for information only as a courtesy from the Office of School Transportation and Emergency Planning and should not be relied upon for legal advice or counsel.

Every effort has been made to ensure that this booklet is a complete and accurate reference; however, the booklet is a compilation of selected statutes and policies relating to school transportation and school buses, and the Office of School Transportation and Emergency Planning cannot guarantee that it includes every statute or policy that might be considered important by every user. The materials published herein are complete and up-to-date to a specific point in time; further research to ensure the continued effectiveness of particular provisions must be done by the user.