

## **IC 20-27-8**

### **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.

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

#### **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.

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

### **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.

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

### **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.

*As added by P.L.1-2005, SEC.11. Amended by P.L.82-2009, SEC.1.*

### **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.

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

**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.

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

**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.

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

**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.

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

**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.

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

**IC 20-27-8-10.5**

**Special purpose bus driver safety plan**

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.

*As added by P.L.146-2009, SEC.5.*

**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.

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

**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.

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

**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.

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

**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.

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

**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.

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

#### **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.

*As added by P.L.1-2005, SEC.11. Amended by P.L.231-2005, SEC.39.*