

## **IC 20-27-9**

### **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 individuals with a developmental or physical disability.

(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.

*As added by P.L.1-2005, SEC.11. Amended by P.L.99-2007, SEC.170.*

#### **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.

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

#### **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.

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

#### **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.

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

### **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 persons with a developmental or physical disability; 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.

*As added by P.L.1-2005, SEC.11. Amended by P.L.191-2006, SEC.1; P.L.99-2007, SEC.171; P.L.146-2009, SEC.6; P.L.182-2009(ss), SEC.318.*

#### **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 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.

*As added by P.L.1-2005, SEC.11. Amended by P.L.233-2015, SEC.204.*

#### **IC 20-27-9-7**

##### **Developmental disability**

Sec. 7. (a) As used in this section, "developmental disability" has the meaning set forth 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 persons with a developmental disability in which a school bus or special purpose bus used by the special education cooperative or school corporation may be used to transport persons with a developmental disability 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 persons with a developmental disability.

(c) An increased cost of transportation for persons with a developmental disability shall be borne by the persons transported or the state supported agency serving persons with a developmental disability. However, a person with a developmental disability may not be required to pay for transportation provided under this section if the required payment is contrary to law.

*As added by P.L.1-2005, SEC.11. Amended by P.L.2-2006, SEC.136; P.L.99-2007, SEC.172.*

#### **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.

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

#### **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.

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

#### **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.

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

#### **IC 20-27-9-11**

##### **Day care center and nonprofit agency; use of school bus**

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 persons with a developmental or physical disability;

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.

*As added by P.L.1-2005, SEC.11. Amended by P.L.99-2007, SEC.173.*

#### **IC 20-27-9-12**

##### **Child care center; transportation**

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 person with a developmental or physical disability 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.

*As added by P.L.1-2005, SEC.11. Amended by P.L.99-2007, SEC.174.*

#### **IC 20-27-9-12.5**

##### **Use of vehicle other than school bus under contract before July 1, 2001**

Sec. 12.5. If a person described in IC 20-9.1-5-6.6 (as added by P.L.278-2001, before its repeal, now codified at section 12 of this chapter) has contracted for the use of a vehicle other than a school bus (as defined in IC 20-9.1-1-5, before its repeal, now codified at IC 20-27-2-8) or a special purpose bus (as defined in IC 20-9.1-1-4.5, as amended by P.L.278-2001, before its repeal, now codified at IC 20-27-2-10) before July 1, 2001, the person may continue to use the vehicle to transport children until the contract expires.

*As added by P.L.220-2011, SEC.333.*

#### **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.

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

#### **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.

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

#### **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.

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

#### **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 9-13-2-24), 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.

*As added by P.L.1-2005, SEC.11. Amended by P.L.70-2009, SEC.4; P.L.198-2016, SEC.650.*

#### **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.

*As added by P.L.1-2005, SEC.11. Amended by P.L.231-2005, SEC.40.*