

NEW POLICY - VOL. 28, NO. 2

BUS DRIVERS AND CELLULAR TELEPHONE USE

It is the policy of the School Board to take every step necessary to maintain the safety of its students while riding in school buses that are used to transport School Corporation students. This policy shall be implemented in compliance with Federal and State law and regulations of the Indiana State Board of Education and the State School Bus Committee.

Definitions:

“Electronic device” includes, but is not limited to, a cellular telephone; personal digital assistant; pager; computer; or any other device used to input, write, send, receive, or read text.

“Mobile telephone” means a mobile communication device that falls under or uses any commercial mobile radio service, as defined in regulations of the Federal Communications Commission, 47 CFR 20.3. It does not include two-way or Citizens Band Radio services.

"Telecommunications device" means an electronic or digital telecommunications device. The term includes a:

- A. wireless telephone;
- B. personal digital assistant;
- C. pager; or
- D. text messaging device.

The term does not include:

- A. amateur radio equipment that is being operated by a person licensed as an amateur radio operator by the Federal Communications Commission under 47 CFR Part 97; or
- B. a communications system installed in a commercial motor vehicle weighing more than 10,000 pounds.

"Text message" means a communication in the form of electronic text sent from a telecommunications device.

Federal and State Laws:

Federal and State law prohibit texting, emailing, and using a telecommunications device or hand-held mobile telephone, including a cellular telephone, while driving commercial motor vehicles, including school buses, except in a bona fide emergency.

Federal regulations prohibit operators of commercial motor vehicles from texting while driving. Federal regulations also prohibit operators of commercial motor vehicles from using a hand-held mobile telephone while driving. For purposes of the Federal regulations, "driving" does not include operating a commercial motor vehicle when the driver has moved the vehicle to the side of, or off, a highway and has halted in a location where the vehicle can safely remain stationary.

State law prohibits a person from using a telecommunications device to:

- A. type a text message or an electronic mail message;
- B. transmit a text message or an electronic mail message; or
- C. read a text message or an electronic mail message;

while operating a moving motor vehicle unless the device is used in conjunction with hands free or voice operated technology, or unless the device is used to call 911 to report a bona fide emergency.

Furthermore, it is a serious traffic violation under State law to drive a commercial motor vehicle while using a hand-held device as described in the Federal regulations at 49 CFR 383 through 384 and 49 CFR 390 through 392.

Prohibitions:

In light of the Corporation's policy to protect the safety of its students to the greatest extent possible and the State and Federal laws referenced herein, all Corporation employees and any independent contractors or employees of independent contractors who drive school buses to transport Corporation students are prohibited from:

- A. using a cellular telephone, electronic device, mobile telephone or telecommunications device to communicate while driving a school bus to transport students; and
- B. using a cellular telephone, electronic device, mobile telephone or telecommunications device to type, transmit or read a text message or an electronic mail message while driving a school bus to transport students

except in the case of a bona fide emergency. In cases of a bona fide emergency, if possible, the driver should move to the side of the road and stop the vehicle before using the cellular telephone, electronic device, mobile telephone or telecommunications device.

Furthermore, all Corporation employees are prohibited from using a cellular telephone, electronic device, mobile telephone or telecommunications device to type, transmit or read a text message or an electronic mail message while operating a motor vehicle other than a school bus to transport Corporation students, except in the case of a bona fide emergency. In cases of a bona fide emergency, if possible, the driver should move to the side of the road and stop the vehicle before using the cellular telephone, electronic device, mobile telephone or telecommunications device.

OPTION (recommended):

- [X]** A Corporation employee who operates a motor vehicle other than a school bus to transport Corporation students is prohibited from using a cellular telephone, electronic device, mobile telephone or telecommunications device to communicate while operating a motor vehicle to transport students, except in the case of a bona fide emergency. In cases of a bona fide emergency, if possible, the driver should move to the side of the road and stop the vehicle before using the cellular telephone, electronic device, mobile telephone or telecommunications device.

[END OF OPTION]

A Corporation employee who violates this policy shall be subject to disciplinary action, up to and including termination. The Board directs that any contracts entered into with an independent contractor for bus transportation shall provide that: (1) the Corporation requires compliance by the independent contractor and its employees or subcontractors with this policy as a condition of the contract; and (2) the violation of this policy by an independent contractor or its employees or subcontractors may result in the termination of the contract.

- I.C. 9-13-2-31 ("commercial motor vehicle" defined)
- I.C. 9-13-2-161 ("school bus" defined)
- I.C. 9-13-2-177.3 ("telecommunications device" defined)
- I.C. 9-13-2-177.4 and I.C. 9-21-8-0.5 ("text message" defined)
- I.C. 9-21-8-59 (prohibition against use of telecommunications device while operating a moving motor vehicle)
- I.C. 9-24-6-6(a)(12) (driving a commercial motor vehicle while using a hand-held mobile device)
- 49 C.F.R. 383.5 (definition of "commercial motor vehicle," "electronic device" and "mobile telephone")
- 49 C.F.R. 383.51 (disqualification of drivers)
- 49 C.F.R. 391.15 (disqualification of drivers)
- 49 C.F.R. 392.80 (prohibition against texting while driving)
- 49 C.F.R. 392.82 (prohibition against using a hand-held mobile telephone while driving)