

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

**Act 1979 of the Regular Session**

1 State of Arkansas

*As Engrossed: S3/23/05 S3/28/05 S3/29/05*

2 85th General Assembly

**A Bill**

3 Regular Session, 2005

SENATE BILL 465

4  
5 By: Senator Broadway

6 *By: Representatives Bolin, Scroggin*

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8  
9 **For An Act To Be Entitled**

10 *AN ACT TO ENSURE THE SAFE TRANSPORTATION OF*  
11 *CERTAIN INDIVIDUALS ON BUSES AND OTHER VEHICLES;*  
12 *TO PROHIBIT CERTAIN USES OF NONCONFORMING VANS AS*  
13 *DEFINED BY THE FEDERAL MOTOR VEHICLE SAFETY*  
14 *STANDARDS; AND FOR OTHER PURPOSES.*

15  
16 **Subtitle**

17 *AN ACT TO ENSURE THE SAFE TRANSPORTATION*  
18 *OF CERTAIN INDIVIDUALS ON BUSES AND*  
19 *OTHER VEHICLES.*

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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

23  
24 SECTION 1. Arkansas Code Title 6, Chapter 19, Subchapter 1 is amended  
25 to add an additional section to read as follows:

26 6-19-121. Approved buses.

27 *After the effective date of this section, no public school in the state*  
28 *shall purchase nonconforming vans, as defined by the federal motor vehicle*  
29 *safety standards in existence on January 1, 2005, to transport students to or*  
30 *from school or to any school related activity.*

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32 SECTION 2. *The Division of Public School Academic Facilities, or its*  
33 *successor, shall under-take measures to provide for the safe, reliable and*  
34 *efficient transportation of school children, such measures shall include, but*  
35 *not be limited to the following:*



1           (1) Development and implementation of a comprehensive  
2 maintenance management program for all preventive and other repair or  
3 replacement maintenance activities performed, including operating and  
4 maintenance documentation, on all public school buses;

5           (2) Ensure that the uniform comprehensive maintenance management  
6 program is adopted and followed by all school districts; and

7           (3) Develop and implement reasonable life-cycle replacement  
8 policies to introduce the latest safety, efficiency, and emissions  
9 improvements into each school district's school bus fleet.

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11           SECTION 3. Arkansas Code Title 20, Chapter 78, Subchapter 2 is amended  
12 to add an additional section to read as follows:

13           20-78-225. Child safety alarm devices.

14           (a) All agencies or child care facilities licensed by the Department  
15 of Human Services under this subchapter, § 9-28-411, or § 20-28-208(e) that  
16 transport children have approved child safety alarm devices installed on any  
17 vehicles designed or used to transport more than seven (7) passengers and one  
18 (1) driver.

19           (b)(1) All such vehicles in active child transportation service prior  
20 to July 1, 2005, shall have a child safety alarm device installed by a  
21 qualified technician or mechanic no later than December 31, 2005.

22           (2) On or after July 1, 2005, all newly-acquired vehicles placed  
23 in child transportation service shall have a child safety alarm installed  
24 before placing the vehicle into service.

25           (3) Any agencies or child care facilities required to have  
26 approved child safety alarm devices installed in a vehicle, shall ensure that  
27 the devices are maintained and are in proper working order anytime the  
28 vehicle is in use for transporting children.

29           (c) The Department of Human Services shall:

30           (1) Maintain a list of approved child safety alarm  
31 devices; and

32           (2) Promulgate rules as necessary for the proper implementation  
33 of this section.

34           (d) Contingent upon the availability of funding for such purpose, the  
35 Department of Human Services may provide reimbursement to agencies or child  
36 care facilities required under this section to retrofit vehicles in service

1 prior to July 1, 2005, but the requirement to have approved child safety  
2 alarm devices in vehicles as required under this act shall not be contingent  
3 on the availability of funding or upon an agency's or child care facility's  
4 eligibility for reimbursement.

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6 SECTION 4. Arkansas Code Title 20, Chapter 78, Subchapter 2 is amended  
7 to add an additional section to read as follows:

8 20-78-226. Violation.

9 (a) It shall be unlawful to transport children in a vehicle that is  
10 required to have an approved child safety alarm device as provided under §  
11 20-78-226, if the approved child safety alarm device:

12 (1) Has not be installed;

13 (2) Is not in proper working condition; or

14 (3) Has been disconnected.

15 (b) Any person who knowingly violates the provisions of this section  
16 shall be guilty of a Class A misdemeanor.

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18 SECTION 5. EMERGENCY CLAUSE. It is found and determined by the  
19 General Assembly of the State of Arkansas that child safety alarm devices  
20 need to be installed in vehicles used to transport more than seven (7)  
21 passengers and one (1) driver, for programs licensed by the Department of  
22 Human Services in order to protect and preserve their health and safety.  
23 Therefore, an emergency is declared to exist and this act being immediately  
24 necessary for the preservation of the public peace, health, and safety shall  
25 become effective on:

26 (1) The date of its approval by the Governor;

27 (2) If the bill is neither approved nor vetoed by the Governor,  
28 the expiration of the period of time during which the Governor may veto the  
29 bill; or

30 (3) If the bill is vetoed by the Governor and the veto is  
31 overridden, the date the last house overrides the veto.

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33 /s/ Broadway

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36 APPROVED: 04/11/2005

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