

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 2128 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: S3/24/05

A Bill

SENATE BILL 467

5 By: Senators Broadway, Hendren, J. Taylor, Trusty
6 By: Representatives Fite, J. Johnson, D. Creekmore, Pace
7

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

10 AN ACT TO INCREASE THE PENALTIES FOR PASSING A
11 STOPPED SCHOOL BUS; AND FOR OTHER PURPOSES.
12

13 **Subtitle**

14 ISAAC'S LAW.
15
16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. This act shall be known and may be cited as "Isaac's Law".
20

21 SECTION 2. Arkansas Code § 5-10-105 is amended to read as follows:
22

23 5-10-105. Negligent homicide.

24 (a)(1) A person commits negligent homicide if he or she negligently
25 causes the death of another person, not constituting murder or manslaughter,
26 as a result of operating a vehicle, an aircraft, or a watercraft:

27 (A) While intoxicated; ~~or~~

28 (B) If at that time there is an alcohol concentration of
29 eight-hundredths (0.08) or more in the person's breath or blood based upon
30 the definition of breath, blood, and urine concentration in § 5-65-204, as
31 determined by a chemical test of the person's blood, urine, breath, or other
32 bodily substance; or

33 (C) While passing a stopped school bus in violation of §
34 27-51-1004.

35 (2) A person who violates subdivision (a)(1) of this section is
guilty of a Class C felony.



1 (b)(1) A person commits negligent homicide if he or she negligently
2 causes the death of another person.

3 (2) A person who violates subdivision (b)(1) of this section is
4 guilty of a Class A misdemeanor.

5 (c) For the purpose of this section, "intoxicated" means influenced or
6 affected by the ingestion of alcohol, a controlled substance, any intoxicant,
7 or any combination thereof to such a degree that the driver's reactions,
8 motor skills, and judgment are substantially altered and the driver therefore
9 constitutes a clear and substantial danger of physical injury or death to
10 himself or herself and other motorists or pedestrians.

11
12 SECTION 3. Arkansas Code § 27-51-1001 is amended to read as follows:
13 27-51-1001. Penalty.

14 (a)(1)(A)(i) Any party who violates any of the provisions of this
15 subchapter shall upon conviction be guilty of a misdemeanor and shall be
16 fined not less than ~~thirty five dollars (\$35.00)~~ two hundred fifty dollars
17 (\$250) nor more than ~~five hundred dollars (\$500)~~ one thousand dollars
18 (\$1,000) or confined in the county jail not to exceed ninety (90) days or
19 both fined and imprisoned.

20 (ii) In addition to the penalties so
21 prescribed, the court may order community service for not more than ~~seven (7)~~
22 ~~days~~ four hundred (400) hours and ~~may shall~~ suspend the person's driver's
23 license for a period of ~~not less than ninety (90) days nor more than six (6)~~
24 ~~months~~ not less than twenty-one (21) days nor more than one (1) year.

25 (B) There is hereby created a rebuttable presumption that
26 shall arise in any criminal action under this subchapter to the effect that,
27 if it can be proven that a person is the registered owner of a vehicle that
28 is driven in a manner which violates the provisions of this subchapter, the
29 person is presumed to have been the driver of the vehicle at the time of the
30 violation.

31 (2) If death results to any person, caused either directly or
32 indirectly by a noncompliance or violation of any of the provisions of this
33 subchapter, the offending party shall be punished as is provided by law.

34 (b) In a proceeding for a violation of this subchapter, proof that the
35 particular vehicle described in the citation, complaint, or warrant was in
36 violation of this subchapter, together with proof that the defendant named in

1 the citation, complaint, or warrant was, at the time of the violation, a
2 registered owner of the vehicle, shall constitute, in evidence, a justifiable
3 inference that the registered owner of the vehicle was the driver of the
4 vehicle at the time of the violation.

5
6 SECTION 4. Arkansas Code § 27-51-1002 is amended to read as follows:

7 27-51-1002. Specifications for identification and safety devices.

8 (a)(1) All vehicles used for the transportation of pupils to or from
9 any school ~~or college~~ shall have a sign on the front and on the rear of the
10 vehicle, showing the words "SCHOOL BUS" and the words shall be plainly
11 readable in letters not less than eight inches (8") in height.

12 (2) When a school bus is being operated upon a highway for
13 purposes other than the actual transportation of children either to or from
14 school, all markings thereon indicating "SCHOOL BUS" shall be covered or
15 concealed.

16 (b) Every school bus shall be in the color officially designated by the
17 State Board of Education.

18 (c)(1)(A) The State Board of Education is vested with full authority
19 and responsibility to prescribe by regulation the number and location and
20 other specifications for ~~flasher~~ alternating red warning lights on school
21 buses operated in this state.

22 (B) ~~Flasher~~ Alternating red warning lights shall be
23 operating at all times when the buses are loading or ~~discharging~~ unloading
24 school children but at no other time.

25 (2) It shall be the duty of the operator of every school bus
26 vehicle operated in this state to conduct an inspection before each trip
27 begins to see that all identification and safety devices required by this
28 section or required by regulation of the State Board of Education are
29 displayed on the vehicle in the manner required, and it is unlawful for any
30 person to operate a school bus vehicle in this state unless identification
31 and safety devices are properly displayed and in proper working order.

32
33 SECTION 5. Arkansas Code § 27-51-1004 is amended to read as follows:

34 27-51-1004. Passing when stopped prohibited.

35 (a) When a school bus vehicle stops and displays its ~~flashing~~
36 alternating red warning lights for the purpose of loading or unloading

1 passengers, every operator of a motor vehicle or motorcycle ~~approaching it~~
2 meeting or overtaking the school bus from any direction shall bring the motor
3 vehicle or motorcycle to a ~~full~~ complete stop before reaching the school bus
4 ~~proceeding in any direction.~~

5 (b) ~~In the event the school bus vehicle is receiving or discharging~~
6 ~~passengers, the~~ The operator of the motor vehicle or motorcycle shall not
7 start up or attempt to pass in any direction until the school bus vehicle has
8 finished receiving or discharging its passengers and is in motion again.

9
10 SECTION 6. Arkansas Code § 27-51-1005 is amended to read as follows:
11 27-51-1005. Operation on multiple lane or divided highways.

12 (a) For the purpose of this section, "multiple lane highway" means a
13 road with four (4) or more traffic lanes and with no less than two (2)
14 traffic lanes for traveling in each direction.

15 ~~(a)(b)~~ If the school bus is operated on a multiple lane highway
16 highway divided by a parkway or dividing strip of twenty feet (20') or more
17 in width and if the school bus is on the opposite side of such parkway or
18 dividing strip, then the driver of the approaching vehicle need not stop but
19 shall proceed with due caution for the safety of the children.

20 (c)(1) If a school bus route includes bus stops on a multiple lane
21 highway, the route shall be designed to ensure that the bus operator shall
22 always load and unload passengers in a manner that does not require a student
23 to cross the highway.

24 (2) A student being loaded or unloaded at a bus stop on a
25 multiple lane highway shall always be loaded and unloaded in a manner that
26 does not require the student to cross the highway.

27
28 /s/ Broadway

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31 **APPROVED: 4/13/2005**

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