

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.

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007

# A Bill

HOUSE BILL 1798

4  
5 By: Representative D. Creekmore  
6 By: Senator Bookout

## For An Act To Be Entitled

10 AN ACT TO ESTABLISH THE SCHOOL BUS SAFETY  
11 AWARENESS FUND; TO IMPOSE AN ADDITIONAL FINE TO  
12 FUND THE SCHOOL BUS SAFETY AWARENESS FUND; TO  
13 REQUIRE THE USE OF SEAT BELTS ON SCHOOL BUSES  
14 WHEN AVAILABLE; TO REQUIRE THAT SCHOOL BUSES  
15 PURCHASED AFTER A CERTAIN DATE BE EQUIPPED WITH  
16 SEAT BELTS; AND FOR OTHER PURPOSES.

## Subtitle

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19 TO ESTABLISH THE SCHOOL BUS SAFETY  
20 AWARENESS FUND, TO IMPOSE AN ADDITIONAL  
21 FINE TO FUND THE SCHOOL BUS SAFETY  
22 AWARENESS FUND, AND TO REQUIRE THE USE  
23 OF SEAT BELTS ON SCHOOL BUSES WHEN  
24 AVAILABLE.

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

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29 SECTION 1. Arkansas Code Title 19, Chapter 5, Subchapter 12 is amended  
30 to add an additional section to read as follows:

31 19-5-1230. School Bus Safety Awareness Fund.

32 (a) There is established on the books of the Treasurer of State, the  
33 Auditor of State, and the Chief Fiscal Officer of the State a fund to be  
34 known as the "School Bus Safety Awareness Fund".

35 (b) This fund consists of fines collected under § 16-17-137, to be  
36 used to defray the costs of administering § 27-37-702(d)(3) on a pro rata



1 basis for all school buses purchased in each calendar year after December 31,  
2 2007.

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4 SECTION 2. Arkansas Code Title 16, Chapter 17, Subchapter 1 is amended  
5 to add an additional section to read as follows:

6 16-17-137. Levy for School Bus Safety Awareness Fund.

7 (a) For a misdemeanor or traffic violation committed on or after the  
8 effective date of this act, in addition to all fines provided by law, an  
9 additional fine of five dollars (\$5.00) shall be levied and collected from  
10 each defendant who pleads guilty or nolo contendere to, is found guilty of,  
11 or forfeits bond for a misdemeanor or traffic violation in the city court of  
12 the city, town, or county or in the district court for the district in which  
13 the city or town is located.

14 (b) The funds generated by the additional fine described in subsection  
15 (a) of this section shall be remitted by the tenth day of each month to the  
16 Administration of Justice Fund Section of the Office of Administrative  
17 Services of the Department of Finance and Administration on a form provided  
18 by the Office of Administrative Services for deposit into the School Bus  
19 Safety Awareness Fund.

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21 SECTION 3. Arkansas Code § 27-37-702 is amended to read as follows:

22 27-37-702. Seat belt use required - Applicability of subchapter.

23 (a) Each driver and front seat passenger in any motor vehicle operated  
24 on a street or highway in this state shall wear a properly adjusted and  
25 fastened seat belt properly secured to the vehicle.

26 (b) ~~This subchapter~~ Subsection (a) of this section shall not apply to  
27 the following:

28 (1) Passenger automobiles manufactured before July 1, 1968, and  
29 all other motor vehicles manufactured before January 1, 1972;

30 (2) Passengers and drivers with a physical disability that  
31 contraindicates the use of a seat belt, and which condition is certified by a  
32 physician who states the nature of the disability as well as the reason the  
33 use of a seat belt is inappropriate;

34 (3) Children who require protection and are properly restrained  
35 under The Child Passenger Protection Act, § 27-34-101 et seq.; and

36 (4) Drivers who are rural letter carriers of the United States

1 Postal Service while performing their duties as rural letter carriers.

2 (c) Except as provided in subdivision (b)(4), each driver or passenger  
 3 who is seated in a wheelchair in a motor vehicle shall:

4 (1) Wear a properly adjusted and fastened seat belt properly  
 5 secured to the wheelchair; and

6 (2) Have the wheelchair properly secured in the motor vehicle.

7 (d)(1) The driver, front seat passengers, and other passengers in a  
 8 school bus operated on a street, road, or highway of this state shall wear a  
 9 properly adjusted and fastened seat belt whenever the school bus is so  
 10 equipped.

11 (2) The state, a county, a school district, a school bus driver  
 12 or operator, or an agent or employee of a school district or school bus  
 13 driver or operator, including a teacher or volunteer serving as a chaperone,  
 14 shall not be liable in an action for personal injury of a school bus  
 15 passenger or driver when the injury is caused solely by the school bus  
 16 passenger's or driver's use of or failure to use a seat belt.

17 (3) All school buses purchased after June 30, 2008, shall be  
 18 equipped with three-point lap-shoulder seat belts on every seat.

19 (e) As used in this section:

20 (1) "Operator" means a person or an entity that privately owns  
 21 or operates school buses under a contract with a school district in this  
 22 state; and

23 (2) "Seat belt" means a passenger or driver restraint system as  
 24 defined under rules promulgated by the Department of Arkansas State Police.

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 26 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the  
 27 General Assembly of the State of Arkansas that school buses are not required  
 28 to be equipped with seat belts; that the school buses equipped with seat  
 29 belts would provide safer transportation for passengers in the school buses;  
 30 that this act will provide a funding source and require that school buses  
 31 purchased after June 30, 2008, be equipped with seat belts on every seat; and  
 32 that this act is necessary because the accumulation of funds for the purchase  
 33 of school buses with seat belts will be maximized by the immediate  
 34 implementation of this act. Therefore, an emergency is declared to exist and  
 35 this act being immediately necessary for the preservation of the public  
 36 peace, health, and safety shall become effective on:

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

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

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