

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 87th General Assembly  
3 Regular Session, 2009

# A Bill

SENATE BILL 499

4  
5 By: Senator Hendren  
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## For An Act To Be Entitled

8  
9 AN ACT TO IMPROVE THE REPORTING OF MOTOR VEHICLE  
10 OPERATORS WHO PASS A SCHOOL BUS ILLEGALLY; AND  
11 FOR OTHER PURPOSES.  
12

## Subtitle

13  
14 TO IMPROVE THE SAFETY OF CHILDREN ON  
15 SCHOOL BUSES BY IMPROVING THE REPORTING  
16 OF MOTOR VEHICLE OPERATORS WHO PASS A  
17 SCHOOL BUS ILLEGALLY.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 6-19-110 is amended to read as follows:

23 6-19-110. Bus drivers – Loading and discharging pupils.

24 ~~(a) The driver of a school bus shall load and discharge the passengers~~  
25 ~~of the bus at the extreme right side of the paved or improved portion of the~~  
26 ~~road or the highway and at the right curbing when such curbing is maintained~~  
27 ~~on the road or the highway.~~

28 ~~(b)~~(a) As used in this section:

29 (1) “Motor vehicle” means all vehicles, all movable engines, or  
30 machines that are operated or propelled by motor vehicle fuel and that are  
31 operated and used for travel on public roads and highways; and

32 (2)(A) “School bus” means+

33 ~~(A)~~A a motor vehicle designed to carry more than ten (10)  
34 passengers:

35 (i) Owned by a public or a governmental agency or a  
36 private school and operated for the transportation of students to or from



1 school or school-sponsored activities; or

2 (ii) Privately owned and operated for compensation  
3 for the transportation of students to or from school or school-sponsored  
4 activities; ~~and.~~

5 (B) A motor vehicle designed to carry more than twenty-  
6 five (25) passengers is exempt from this section if the motor vehicle is:

7 (i) Owned by a public or a governmental agency or a  
8 private school and operated for the transportation of students to or from  
9 school-sponsored activities but not used to transport students on any  
10 scheduled school bus route; or

11 (ii) Privately owned and operated for compensation  
12 under contract to a school district and used for the transportation of  
13 students to or from school-sponsored activities.

14 (b) The purpose of this section is to improve the safety of children  
15 being loaded and unloaded as passengers on a school bus.

16 (c)(1) The superintendent and director of transportation of each  
17 school district, in consultation with the appropriate law enforcement agency  
18 and appropriate prosecuting authority, shall develop a school bus safety plan  
19 to ensure the safety of children being loaded onto or unloaded from school  
20 buses.

21 (2) The school bus safety plan shall include provisions to:

22 (A) Prevent the unlawful passing of a school bus;

23 (B) Adequately identify an offender who illegally passes a  
24 school bus; and

25 (C) Prosecute an offender that is adequately identified.

26 (d)(1) The driver of a school bus shall load and unload the passengers  
27 of the bus at the extreme right side of the paved or improved portion of the  
28 road or the highway and at the right curbing when the curbing is maintained  
29 on the road or the highway.

30 (2) A driver of a school bus who fails to carry out the  
31 provisions of subsection (d) of this section is guilty of a Class C  
32 misdemeanor.

33 ~~(e)(1)~~ (e)(1) The school bus A driver of a school bus who observes an  
34 operator of a motor vehicle violating § 27-51-1004 or § 27-51-1005 shall  
35 report the license plate number, issuing state if different than Arkansas,  
36 and a brief description of the vehicle to the superintendent within two (2)

1 hours after the end of the driver's shift for that period of the day.

2 (2) Within forty-eight (48) hours of the observation, the  
3 superintendent shall provide the information to the ~~local prosecuting~~  
4 attorney appropriate law enforcement agency or appropriate prosecuting  
5 authority with jurisdiction over the incident.

6 ~~(d) A school bus driver who fails to carry out the provisions of~~  
7 ~~subsection (a) of this section is guilty of a Class C misdemeanor.~~

8 ~~(e)(1)(3)~~ The prosecuting attorney appropriate law enforcement  
9 agency or appropriate prosecuting authority with jurisdiction over the  
10 incident who is provided a report under this section shall provide written  
11 notice to the superintendent regarding the outcome of the report.

12 ~~(2)(4)~~ The superintendent shall provide information  
13 regarding the outcome of the report to the driver of the school bus who  
14 initiated the report.

15 ~~(f) Nothing in this section shall limit a~~ A person who observes an  
16 operator of a motor vehicle violating § 27-51-1004 or § 27-51-1005 ~~from~~  
17 ~~reporting~~ may report the incident to ~~the local prosecuting attorney the~~  
18 appropriate law enforcement agency or appropriate prosecuting authority with  
19 jurisdiction over the incident.

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