

**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.**

INTERIM STUDY PROPOSAL 2007-041

State of Arkansas  
86th General Assembly  
Regular Session, 2007

# A Bill

HOUSE BILL 1798

By: Representative D. Creekmore  
By: Senator Bookout

Referred to  
Education Committee- House  
by the House of Representatives  
on 04/02/2007

## For An Act To Be Entitled

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

## Subtitle

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

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

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

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

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

4       (b) This fund consists of fines collected under § 16-17-137, to be  
5 used to defray the costs of administering § 27-37-702(d)(3) on a pro rata  
6 basis for all school buses purchased in each calendar year after December 31,  
7 2007.

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

11       16-17-137. Levy for School Bus Safety Awareness Fund.

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

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

25  
26       SECTION 3. Arkansas Code § 27-37-702 is amended to read as follows:

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

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

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

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

35               (2) Passengers and drivers with a physical disability that  
36 contraindicates the use of a seat belt, and which condition is certified by a

1 physician who states the nature of the disability as well as the reason the  
2 use of a seat belt is inappropriate;

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

5 (4) Drivers who are rural letter carriers of the United States  
6 Postal Service while performing their duties as rural letter carriers.

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

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

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

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

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

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

24 (e) As used in this section:

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

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

30  
31 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the  
32 General Assembly of the State of Arkansas that school buses are not required  
33 to be equipped with seat belts; that the school buses equipped with seat  
34 belts would provide safer transportation for passengers in the school buses;  
35 that this act will provide a funding source and require that school buses  
36 purchased after June 30, 2008, be equipped with seat belts on every seat; and

1 that this act is necessary because the accumulation of funds for the purchase  
2 of school buses with seat belts will be maximized by the immediate  
3 implementation of this act. Therefore, an emergency is declared to exist and  
4 this act being immediately necessary for the preservation of the public  
5 peace, health, and safety shall become effective on:

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

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

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

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