

State of Arkansas

76th General Assembly

Regular Session, 1987

HOUSE BILL 1531

By: Representatives Fuller and Hendrix

"AN ACT TO REQUIRE PRIVATE SCHOOL BUS DRIVERS TO BE CERTIFIED BY THE STATE BOARD OF EDUCATION AND THE ARKANSAS STATE POLICE, TO MEET A SERIES OF DRIVING REQUIREMENTS TO INSURE THEIR DRIVING SKILLS, TO REQUIRE THEM TO RELEASE THEIR DRIVING RECORDS TO THE SCHOOLS, TO REQUIRE THEM TO WEAR SEAT BELTS, AND TO ALLOW THE STATE BOARD OF EDUCATION TO ADOPT RULES AND REGULATIONS TO INSURE THE SAFETY OF PRIVATE SCHOOL STUDENTS; TO REQUIRE THE STATE BOARD OF EDUCATION TO ESTABLISH REGULATIONS GOVERNING THE DESIGN AND SAFE OPERATION OF PRIVATE SCHOOL BUSES; TO ESTABLISH PENALTIES FOR VIOLATION OF THE DRIVER CERTIFICATION AND SAFETY EQUIPMENT REQUIREMENTS; AND FOR OTHER PURPOSES."

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

SECTION 1. Short Title. This Act shall be known as "The Private School Bus Safety Act."

SECTION 2. For the purpose of this Act, "private school bus" means any bus designed for carrying more than fifteen (15) persons which is used for the transportation of pupils to or from any private kindergarten, private elementary or secondary school or school activities. The term "private school bus" shall include all buses which are owned and operated by a private school or which are operated under a contract to a private school or which are owned by a third party and operated for the benefit of the private school, for the transportation of private school pupils to and from any private school or school activities. The term "private school bus" does not include any bus or other vehicle owned and operated as a part of the public transit system of any political subdivision or any combination of political subdivisions of the

State of Arkansas or any transit or transit-related agency operated by a public purpose government funded non-profit corporation such as community action agencies, economic development districts, aging programs or programs licensed and inspected by Developmental Disabilities Services.

SECTION 3. (a) No private school bus driver or operator shall be employed or otherwise engaged to transport children to and from school or school-sponsored activities, unless he or she has satisfactorily passed the tests and requirements of both the State Board of Education and the Arkansas State Police and possesses a valid certificate issued by the Arkansas State Police. This certificate shall be required in addition to a chauffeur's license or a motor vehicle operator's license. The certification of a person as a private school bus driver shall be valid for two (2) years.

(b) To renew his or her private school bus driver certificate, each driver or operator shall provide proof that he or she has satisfactorily passed a physical examination by a licensed physician or a registered nurse, that he or she continues to meet the age, physical ability, and driving record requirements of section 5 of this Act, and that he or she has satisfactorily completed an annual in-service workshop for school bus drivers as prescribed by the State Department of Education.

SECTION 4. (a) A driver or operator of a private school bus is hereby required to take and pass a series of tests as prescribed by the Arkansas State Police and the State Department of Education to determine the physical fitness and driving ability of a private school bus driver. These tests shall include a physical examination given by a licensed physician or a registered nurse; an eye test; a written or oral test on the rules and regulations of driving; a road test given under the supervision of the Arkansas State Police and any other requirements as may be prescribed by rules and regulations issued jointly by the State Department of Education and the Arkansas State Police for qualification and fitness of school bus drivers. In addition, the driver or operator of a private school bus shall participate in and pass a standard bus driving training and pre-service-behind-the-wheel training program as prescribed by the State Department of Education.

(b) (1) A private school bus driver shall submit an application for certification as prescribed by the State Department of Education to the private

school for which he or she seeks to drive. The application shall include a statement signed by the applicant which authorizes the release of his or her driver history record from the State Office of Driver Services to provide the private school with the driving record.

(2) The Office of Driver Services shall provide the applicant's driver history record, without charge, to the private school requesting such record.

(3) The applicant's driver history record shall be evaluated according to guidelines established by the State Department of Education. The private school bus driver may be issued a certificate on a temporary basis until official verification of his driver history record is received and evaluated. The private school operating the private school bus shall review and maintain a file of semi-annual reports on the driver history records of their school bus drivers.

SECTION 5. No person who is physically defective as to impair his driving ability, who has been convicted within the past three (3) years of operating a motor vehicle in a reckless manner or while under the influence of intoxicating liquor or narcotic drugs, who has a general reputation of being a fast and reckless operator of motor vehicles without regard to the rights of others, or who is less than nineteen (19) years of age or greater than seventy (70) years of age on June 30 following his or her last birthday shall be issued a certification or have their certification renewed to act as a driver or operator of any private school bus. All private school bus drivers employed or otherwise engaged to drive private school students to and from school are exempt from the regular chauffeur's license requirements unless they operate buses for other purposes for which a chauffeur's license would be required.

SECTION 6. Drivers and operators of private school buses shall comply with all laws and regulations pertaining to private school bus drivers not in conflict with the provisions of this Act. The State Board of Education shall have the authority to and shall set up regulations and standards governing the transportation of private school students to the various private schools of Arkansas so as to promote and provide a safe, efficient, and economical system of private school pupil transportation.

SECTION 7. The driver or operator of a private school bus shall wear a seat belt at all times while the school bus is in motion if the bus was so originally equipped or was manufactured after January 1, 1972.

SECTION 8. The State Board of Education shall adopt regulations to govern the design and safe operation of all school buses used by private schools for the transportation of pupils to and from school. The State Board of Education shall require that private school buses, whether owned or under contract, meet the same requirements for safety equipment, warning lights, lettering, color, motor vehicle safety inspections, and all other safety requirements as required of public school buses. Every private school, its officers and employees, and every person employed under contract by the private school for the transportation of pupils to and from school shall be subject to these regulations. The Arkansas State Police shall enforce these regulations promulgated by the State Board of Education.

In the event that the State Board of Education regulations will significantly burden the private school bus operators and will cause the operator to remove equipment from operation with a substantial remaining useful life, the private school bus operator may petition by letter the State Board of Education for a waiver from the regulations. The letter of petition shall state the significant nature of the burden placed on the operator and shall list the specific equipment or vehicles that will be removed from operation by the regulations and their approximate useful operating life. After a hearing and a specific finding that the regulations will significantly burden the private school bus operator and will remove equipment with a useful life from operation, the State Board of Education may grant a waiver of the regulations to the private school bus operator for specific equipment or vehicles for a period of time not to exceed the useful life of specific equipment or vehicle.

SECTION 9. The Director, uniformed officers, and troopers of the Arkansas State Police Department and other peace officers as the Director designates may, at any time, upon reasonable cause to believe a private school bus is not equipped as required by law or is being operated by someone who is not certified as a private school bus driver as required by law, require the driver to stop and submit the private school bus to an inspection or require

the driver to show proof of his certification to drive the vehicle.

Any person who operates a private school bus upon the highways of this State and who is not certified as a driver or operator of a private school bus as required by this Act is guilty of a misdemeanor and upon conviction shall be fined not less than twenty dollars (\$20.00) nor more than two hundred dollars (\$200.00).

Any person who operates a private school bus upon the highways of this State which has not met all the requirements for safety equipment, warning lights, lettering, color, motor vehicle safety inspections, and any other requirements prescribed by the State Board of Education for private school buses shall be guilty of a misdemeanor and upon conviction shall be fined not less than twenty dollars (\$20.00) nor more than two hundred dollars (\$200.00).

SECTION 10. The provisions of this Act shall be effective on and after July 1, 1987.

SECTION 11. All laws and parts of laws in conflict with this Act are hereby repealed.

