

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1080

By: Representative Fuller

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 6-19-111 TO REQUIRE THE ARKANSAS BOARD OF EDUCATION TO ADOPT AND ENFORCE REGULATIONS REGARDING THE SALE OF USED OR SURPLUS SCHOOL BUSES TO REQUIRE THE BUSES TO BE SOLD AT AUCTION OR BY BID AND TO REQUIRE THE BUSES BE AVAILABLE FOR INSPECTION AND TO BE SAFETY INSPECTED THIRTY (30) DAYS PRIOR TO THEIR SALE; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 6-19-111 is hereby amended to read as follows:

"6-19-111. Bus regulations - Design and operation.

(a) (1) The State Board of Education by and with the advice of the State Highway Commission shall adopt and enforce regulations not inconsistent with this act to govern the design and operation of all school buses used for the transportation of school children when the buses are owned and operated by any school district or privately owned and operated under contract with any school district in this state.

(2) The State Board of Education shall adopt and enforce regulations to govern the sale of used or surplus school buses by school districts to all other persons or organizations. The State Board of Education shall require:

(A) that all used and surplus school buses shall be sold at a properly advertised public auction or by advertising and taking sealed bids;

(B) that the school districts shall make every effort to obtain the fair market value for the used and surplus school buses;

(C) that the school districts shall make no warranties, either expressed or implied, regarding the condition or use of the used or surplus school buses;

(D) that within thirty (30) days prior to the sale or auction for used or surplus school buses, the school district shall make the buses and their maintenance records available for inspection during normal business hours to all potential purchasers;

(E) that within thirty (30) days prior to the sale or auction for used or surplus school buses, the school bus shall undergo and pass a motor vehicle safety inspection under the requirements of the Arkansas Motor Vehicle Inspection Law, Arkansas Code 27-32-101 et seq.; and

(F) that the school districts shall notify the Arkansas Department of Education, General Education Division of the names and addresses of those persons or organizations purchasing used or surplus school buses.

(b) Such regulations shall by reference be made a part of any contract with a school district.

(c) Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to the regulations.

(d) Any officer or employee of any school district who violates any of the regulations or fails to include obligation to comply with the regulations in any contract executed by him on behalf of a school district shall be guilty of misconduct and subject to removal from office or employment.

(e) Any person operating a school bus under contract with a school district who fails to comply with any such regulations shall be guilty of breach of contract, and the contract shall be cancelled after notice by the responsible officers of the school district. Provided, however, the regulations regarding the sale of used and surplus school buses shall not apply to buses operated under contract with the school district."

SECTION 2. All provisions of this act of general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this act are hereby repealed.