

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas *As Engrossed: S2/16/99 S3/5/99 S3/8/99 H4/7/99*

2 82nd General Assembly

A Bill

3 Regular Session, 1999

SENATE BILL 140

4

5 By: Senators Mahony, *Ross*

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For An Act To Be Entitled

9 "AN ACT TO PROVIDE THAT PASSING A STOPPED SCHOOL BUS
10 WHICH IS RECEIVING OR DISCHARGING PASSENGERS IS A
11 CLASS A MISDEMEANOR; AND FOR OTHER PURPOSES."

12

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Subtitle

14 "AN ACT TO PROVIDE THAT PASSING A STOPPED
15 SCHOOL BUS WHICH IS RECEIVING OR
16 DISCHARGING PASSENGERS IS A CLASS A
17 MISDEMEANOR."

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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 Annotated 27-51-1001(a) is amended to read as
23 follows:

24 "(a)(1)(A)(i) *Any party who violates any of the provisions of this*
25 *subchapter shall, upon conviction, be guilty of a misdemeanor and shall be*
26 *fined not less than thirty-five dollars (\$35.00) nor more than five hundred*
27 *dollars (\$500) or confined in the county jail not to exceed ninety (90) days,*
28 *or both fined and imprisoned.*

29 (ii) In addition to the penalties so prescribed, the court
30 may order community service for not more than seven (7) days and may suspend
31 the person's motor vehicle operator's license for a period of not less than
32 ninety (90) days nor more than six (6) months.

33 ~~(B)(i) If a person is convicted for violating the provisions of this~~
34 ~~subchapter for the second time within three (3) years of the first conviction,~~
35 ~~he shall be fined not less than five hundred dollars (\$500) nor more than one~~
36 ~~thousand dollars (\$1,000) or confined in the county jail not to exceed one (1)~~

1 ~~year, or both fined and imprisoned.~~

2 (B) There is hereby created a rebuttable presumption that shall arise
3 in any criminal action under this subchapter, to the effect that, if it can be
4 proven that the person or persons are the registered owners of a vehicle that
5 is driven in a manner which violated the provisions of this subchapter, the
6 person or persons are presumed to have been the driver of the vehicle at the
7 time of the violation.

8 ~~(ii) In addition to the penalties so prescribed, the court may suspend~~
9 ~~the person's motor vehicle operator's license for a period of not less than~~
10 ~~one (1) year nor more than three (3) years.~~

11 (2) If death results to any person, caused either directly or
12 indirectly by a noncompliance or violation of any of the provisions of this
13 subchapter, the offending party shall be punished as is provided by law."
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15 SECTION 2. All provisions of this Act of a general and permanent nature
16 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
17 Revision Commission shall incorporate the same in the Code.
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19 SECTION 3. If any provision of this Act or the application thereof to
20 any person or circumstance is held invalid, such invalidity shall not affect
21 other provisions or applications of the Act which can be given effect without
22 the invalid provision or application, and to this end the provisions of this
23 Act are declared to be severable.
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25 SECTION 4. All laws and parts of laws in conflict with this Act are
26 hereby repealed.

27 /s/ Mahony, et al
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