

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  
2 82nd General Assembly  
3 Regular Session, 1999  
4

As Engrossed: S3/23/99

# A Bill

SENATE BILL 836

5 By: Senators Mahony, *Brown*  
6 By: *Representative Cook*  
7

## For An Act To Be Entitled

10 "AN ACT TO REQUIRE THE DEPARTMENT OF EDUCATION TO  
11 PURCHASE A POLICY OF EXCESS LIABILITY INSURANCE FOR  
12 THE BENEFIT OF STUDENT PASSENGERS; AND FOR OTHER  
13 PURPOSES. "

### Subtitle

16 "AN ACT TO REQUIRE THE DEPARTMENT OF  
17 EDUCATION TO PURCHASE A POLICY OF EXCESS  
18 LIABILITY INSURANCE FOR THE BENEFIT OF  
19 STUDENT PASSENGERS. "

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

24 SECTION 1. (a) The Department of Education shall purchase a policy of  
25 liability insurance in addition to that required by Arkansas Code § 21-9-303,  
26 which when combined with the coverage required by Arkansas Code §21-9-303 will  
27 provide coverage in an amount equal to two hundred and fifty thousand dollars  
28 (\$250,000) per incident for student passengers on school buses who are injured  
29 in an accident which is the fault of the local school district's designated  
30 driver. The doctrine of comparative fault shall not be affected by this act.

31 (b) The insurance coverage required by Arkansas Code § 21-9-303 shall  
32 be the primary insurance coverage for each school bus owned or operated on  
33 behalf of a school district, and the cost of the insurance coverage required  
34 by Arkansas Code § 21-9-303 shall be the responsibility of each school  
35 district.

36 (c) The provisions of this act shall be contingent on the appropriation

1 and funding necessary to allow the Department of Education to carry out the  
2 duties assigned to it in this act.

3  
4 SECTION 2. All provisions of this act of a general and permanent nature  
5 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
6 Revision Commission shall incorporate the same in the Code.

7  
8 SECTION 3. If any provision of this act or the application thereof to  
9 any person or circumstance is held invalid, such invalidity shall not affect  
10 other provisions or applications of the act which can be given effect without  
11 the invalid provision or application, and to this end the provisions of this  
12 act are declared to be severable.

13  
14 SECTION 4. All laws and parts of laws in conflict with this act are  
15 hereby repealed.

16  
17 SECTION 5. EMERGENCY CLAUSE. It is hereby found and determined by the  
18 Eighty-second General Assembly that it is necessary to allow the Department of  
19 Education sufficient time to obtain insurance coverage as required by this act  
20 prior to the beginning of the 1999-2000 school year. Therefore, an emergency  
21 is declared to exist and this act being immediately necessary for the  
22 preservation of the public peace, health and safety shall become effective on  
23 July 1, 1999.

24 */s/ Mahony*