

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.

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005  
4

As Engrossed: S3/23/05

# A Bill

SENATE BILL 465

5 By: Senator Broadway  
6 By: Representatives Bolin, Scroggin  
7

## For An Act To Be Entitled

10 AN ACT TO ENSURE THAT SCHOOL DISTRICTS ARE USING  
11 SAFE BUSES; AND FOR OTHER PURPOSES.

### Subtitle

14 AN ACT TO ENSURE THAT SCHOOL DISTRICTS  
15 ARE USING SAFE BUSES.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1. Arkansas Code Title 6, Chapter 19, Subchapter 1 is amended  
21 to add an additional section to read as follows:

22 6-19-121. Approved buses.

23 No public school in the state shall use nonconforming vans, as defined  
24 by the federal motor vehicle safety standards in existence on January 1,  
25 2005, to transport students to or from school or to any school related  
26 activity.

28 SECTION 2. The Division of Public School Academic Facilities, or its  
29 successor, shall under-take measures to provide for the safe, reliable and  
30 efficient transportation of school children, such measures shall include, but  
31 not be limited to the following:

32 (1) Development and implementation of a comprehensive  
33 maintenance management program for all preventive and other repair or  
34 replacement maintenance activities performed, including operating and  
35 maintenance documentation, on all public school buses;

36 (2) Ensure that the uniform comprehensive maintenance management



1 program is adopted and followed by all school districts; and

2 (3) Develop and implement reasonable life-cycle replacement  
3 policies to introduce the latest safety, efficiency, and emissions  
4 improvements into each school district's school bus fleet.

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6 SECTION 3. Arkansas Code Title 20, Chapter 78, Subchapter 2 is amended  
7 to add an additional section to read as follows:

8 20-78-225. Child safety alarm devices.

9 (a) All agencies or child care facilities licensed by the Department  
10 of Human Services under this subchapter, § 9-28-411, or § 20-28-208(e) that  
11 transport children have approved child safety alarm devices installed on any  
12 vehicles designed or used to transport more than seven (7) passengers and one  
13 (1) driver.

14 (b)(1) All such vehicles in active child transportation service prior  
15 to July 1, 2005, shall have a child safety alarm device installed by a  
16 qualified technician or mechanic no later than December 31, 2005.

17 (2) On or after July 1, 2005, all newly-acquired vehicles placed  
18 in child transportation service shall have a child safety alarm installed  
19 before placing the vehicle into service.

20 (3) Any agencies or child care facilities required to have  
21 approved child safety alarm devices installed in a vehicle, shall ensure that  
22 the devices are maintained and are in proper working order anytime the  
23 vehicle is in use for transporting children.

24 (c) The Department of Human Services shall:

25 (1) Maintain a list of approved child safety alarm  
26 devices; and

27 (2) Promulgate rules as necessary for the proper implementation  
28 of this section.

29 (d) Contingent upon the availability of funding for such purpose, the  
30 Department of Human Services may provide reimbursement to agencies or child  
31 care facilities required under this section to retrofit vehicles in service  
32 prior to July 1, 2005, but the requirement to have approved child safety  
33 alarm devices in vehicles as required under this act shall not be contingent  
34 on the availability of funding or upon an agency's or child care facility's  
35 eligibility for reimbursement.

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1           SECTION 4. Arkansas Code Title 20, Chapter 78, Subchapter 2 is amended  
2 to add an additional section to read as follows:

3           20-78-226. Violation.

4           (a) It shall be unlawful to transport children in a vehicle that is  
5 required to have an approved child safety alarm device as provided under §  
6 20-78-226, if the approved child safety alarm device:

7                   (1) Has not be installed;

8                   (2) Is not in proper working condition; or

9                   (3) Has been disconnected.

10           (b) Any person who knowingly violates the provisions of this section  
11 shall be guilty of a Class A misdemeanor.

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13           SECTION 5. EMERGENCY CLAUSE. It is found and determined by the  
14 General Assembly of the State of Arkansas that child safety alarm devices  
15 need to be installed in vehicles used to transport more than seven (7)  
16 passengers and one (1) driver, for programs licensed by the Department of  
17 Human Services in order to protect and preserve their health and safety.  
18 Therefore, an emergency is declared to exist and this act being immediately  
19 necessary for the preservation of the public peace, health, and safety shall  
20 become effective on:

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

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

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

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28   /s/ Broadway  
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