

State of Arkansas

85th General Assembly

Regular Session, 2005

A Bill

SENATE BILL 467

By: Senators Broadway, Hendren, J. Taylor, Trusty

By: Representatives Fite, J. Johnson, D. Creekmore

For An Act To Be Entitled

AN ACT TO INCREASE THE PENALTIES FOR PASSING A
STOPPED SCHOOL BUS; AND FOR OTHER PURPOSES.

Subtitle

ISAAC'S LAW.

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

SECTION 1. This act shall be known and may be cited as "Isaac's Law".

SECTION 2. Arkansas Code § 5-10-105 is amended to read as follows:

5-10-105. Negligent homicide.

(a)(1) A person commits negligent homicide if he or she negligently causes the death of another person, not constituting murder or manslaughter, as a result of operating a vehicle, an aircraft, or a watercraft:

(A) While intoxicated; ~~or~~

(B) If at that time there is an alcohol concentration of eight-hundredths (0.08) or more in the person's breath or blood based upon the definition of breath, blood, and urine concentration in § 5-65-204, as determined by a chemical test of the person's blood, urine, breath, or other bodily substance; or

(C) While passing a stopped school bus in violation of § 27-51-1004.

(2) A person who violates subdivision (a)(1) of this section is guilty of a Class C felony.

(b)(1) A person commits negligent homicide if he or she negligently



1 causes the death of another person.

2 (2) A person who violates subdivision (b)(1) of this section is
3 guilty of a Class A misdemeanor.

4 (c) For the purpose of this section, "intoxicated" means influenced or
5 affected by the ingestion of alcohol, a controlled substance, any intoxicant,
6 or any combination thereof to such a degree that the driver's reactions,
7 motor skills, and judgment are substantially altered and the driver therefore
8 constitutes a clear and substantial danger of physical injury or death to
9 himself or herself and other motorists or pedestrians.

10
11 SECTION 3. Arkansas Code § 27-51-1001 is amended to read as follows:
12 27-51-1001. Penalty.

13 (a)(1)(A)(i) Any party who violates any of the provisions of this
14 subchapter shall upon conviction be guilty of a misdemeanor and shall be
15 fined not less than ~~thirty-five dollars (\$35.00)~~ two hundred fifty dollars
16 (\$250) nor more than ~~five hundred dollars (\$500)~~ one thousand dollars
17 (\$1,000) or confined in the county jail not to exceed ninety (90) days or
18 both fined and imprisoned.

19 (ii) In addition to the penalties so
20 prescribed, the court may order community service for not more than ~~seven (7)~~
21 ~~days~~ four hundred (400) hours and ~~may~~ shall suspend the person's driver's
22 license for a period of ~~not less than ninety (90) days nor more than six (6)~~
23 ~~months~~ not less than twenty-one (21) days nor more than one (1) year.

24 (B) There is hereby created a rebuttable presumption that
25 shall arise in any criminal action under this subchapter to the effect that,
26 if it can be proven that a person is the registered owner of a vehicle that
27 is driven in a manner which violates the provisions of this subchapter, the
28 person is presumed to have been the driver of the vehicle at the time of the
29 violation.

30 (2) If death results to any person, caused either directly or
31 indirectly by a noncompliance or violation of any of the provisions of this
32 subchapter, the offending party shall be punished as is provided by law.

33 (b) In a proceeding for a violation of this subchapter, proof that the
34 particular vehicle described in the citation, complaint, or warrant was in
35 violation of this subchapter, together with proof that the defendant named in
36 the citation, complaint, or warrant was, at the time of the violation, a

1 registered owner of the vehicle, shall constitute, in evidence, a justifiable
 2 inference that the registered owner of the vehicle was the driver of the
 3 vehicle at the time of the violation.

4
 5 SECTION 4. Arkansas Code § 27-51-1002 is amended to read as follows:

6 27-51-1002. Specifications for identification and safety devices.

7 (a)(1) All vehicles used for the transportation of pupils to or from
 8 any school ~~or college~~ shall have a sign on the front and on the rear of the
 9 vehicle, showing the words "SCHOOL BUS" and the words shall be plainly
 10 readable in letters not less than eight inches (8") in height.

11 (2) When a school bus is being operated upon a highway for
 12 purposes other than the actual transportation of children either to or from
 13 school, all markings thereon indicating "SCHOOL BUS" shall be covered or
 14 concealed.

15 (b) Every school bus shall be in the color officially designated by the
 16 State Board of Education.

17 (c)(1)(A) The State Board of Education is vested with full authority
 18 and responsibility to prescribe by regulation the number and location and
 19 other specifications for ~~flasher~~ alternating red warning lights on school
 20 buses operated in this state.

21 (B) ~~Flasher~~ Alternating red warning lights shall be
 22 operating at all times when the buses are loading or ~~discharging~~ unloading
 23 school children but at no other time.

24 (2) It shall be the duty of the operator of every school bus
 25 vehicle operated in this state to conduct an inspection before each trip
 26 begins to see that all identification and safety devices required by this
 27 section or required by regulation of the State Board of Education are
 28 displayed on the vehicle in the manner required, and it is unlawful for any
 29 person to operate a school bus vehicle in this state unless identification
 30 and safety devices are properly displayed and in proper working order.

31
 32 SECTION 5. Arkansas Code § 27-51-1004 is amended to read as follows:

33 27-51-1004. Passing when stopped prohibited.

34 (a) When a school bus vehicle stops and displays its ~~flashing~~
 35 alternating red warning lights for the purpose of loading or unloading
 36 passengers, every operator of a motor vehicle or motorcycle ~~approaching it~~

1 meeting or overtaking the school bus from any direction shall bring the motor
 2 vehicle or motorcycle to a full complete stop before reaching the school bus
 3 proceeding in any direction.

4 ~~(b) In the event the school bus vehicle is receiving or discharging~~
 5 ~~passengers, the~~ The operator of the motor vehicle or motorcycle shall not
 6 start up or attempt to pass in any direction until the school bus vehicle has
 7 finished receiving or discharging its passengers and is in motion again.

8
 9 SECTION 6. Arkansas Code § 27-51-1005 is amended to read as follows:

10 27-51-1005. Operation on multiple lane or divided highways.

11 (a) For the purpose of this section, "multiple lane highway" means a
 12 road with four (4) or more traffic lanes and with no less than two (2)
 13 traffic lanes for traveling in each direction.

14 ~~(a)(b)~~ (b) If the school bus is operated on a multiple lane highway
 15 highway divided by a parkway or dividing strip of twenty feet (20') or more
 16 in width and if the school bus is on the opposite side of such parkway or
 17 dividing strip, then the driver of the approaching vehicle need not stop but
 18 shall proceed with due caution for the safety of the children.

19 (c)(1) If a school bus route includes bus stops on a multiple lane
 20 highway, the route shall be designed to ensure that the bus operator shall
 21 always load and unload passengers in a manner that does not require a student
 22 to cross the highway.

23 (2) A student being loaded or unloaded at a bus stop on a
 24 multiple lane highway shall always be loaded and unloaded in a manner that
 25 does not require the student to cross the highway.