

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 86th General Assembly  
3 Regular Session, 2007  
4

As Engrossed: H3/21/07 H3/23/07

# A Bill

HOUSE BILL 2484

5 By: Representative Cook  
6  
7

## For An Act To Be Entitled

9 AN ACT TO CLARIFY THE DEFINITION OF "SCHOOL BUS"  
10 AS USED IN THE ARKANSAS CODE; AND FOR OTHER  
11 PURPOSES.  
12

### Subtitle

14 TO CLARIFY THE DEFINITION OF "SCHOOL  
15 BUS".  
16  
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
19

20 *SECTION 1. Arkansas Code § 6-19-110 is amended to read as follows:*

21 *6-19-110. Bus drivers – Loading and discharging pupils.*

22 *(a) The driver of a school bus shall load and discharge the passengers*  
23 *of the bus at the extreme right side of the paved or improved portion of the*  
24 *road or highway and at the right curbing when such curbing is maintained on*  
25 *the road or highway.*

26 *(b) As used in this section:*

27 *(1) "Motor vehicle" means all vehicles, movable engines, or*  
28 *machines that are operated or propelled by motor vehicle fuel and ~~which~~ that*  
29 *are operated and used for travel on public roads and highways; and*

30 *(2) "School bus" means: ~~any vehicle being used to convey~~*  
31 *~~children to and from school and which is marked in both front and rear with~~*  
32 *~~the words "SCHOOL BUS", in plain lettering, readable in daylight at a~~*  
33 *~~distance of at least two hundred feet (200') from such a vehicle~~*

34 *(A) A motor vehicle designed to carry more than ten (10)*  
35 *passengers:*

36 *(i) Owned by a public or governmental agency and*



1 operated for the transportation of students to or from school or school-  
2 sponsored activities; or

3 (ii) Privately owned and operated for compensation  
4 for the transportation of students to or from school or school-sponsored  
5 activities; and

6 (B) A motor vehicle designed to carry more than twenty-  
7 five (25) passengers is exempt from this section if the motor vehicle is:

8 (i) Owned by a public or governmental agency and  
9 operated for the transportation of students to or from school-sponsored  
10 activities but not used to transport students on any scheduled school bus  
11 route; or

12 (ii) Privately owned and operated for compensation  
13 under contract to a school district and used for the transportation of  
14 students to or from school-sponsored activities.

15 (c) ~~The driver of a school bus~~ driver who observes an operator of a  
16 motor vehicle violating § 27-51-1004 or § 27-51-1005 shall:

17 (1) Prepare a written report of the violation on the appropriate  
18 form provided by the school district; and

19 (2) Within forty-eight (48) hours of the observation deliver the  
20 completed form to the superintendent of the school district or his or her  
21 designee, who shall promptly provide the report to a local prosecuting  
22 attorney.

23 (d) A school bus driver who fails to carry out the provisions of  
24 subsection (a) of this section ~~shall be~~ is guilty of a Class C misdemeanor.

25  
26 SECTION 2. Arkansas Code § 6-19-117 is amended to read as follows:  
27 6-19-117. School bus safety equipment.

28 (a) As used in this section, "school bus" means: ~~every motor vehicle~~  
29 ~~owned by a public school district or a private school or a governmental~~  
30 ~~agency and operated for the transportation of children to or from school or~~  
31 ~~school-sponsored activities~~

32 (1) A motor vehicle designed to carry more than ten (10)  
33 passengers:

34 (A) Owned by a public or governmental agency and operated  
35 for the transportation of students to or from school or school-sponsored  
36 activities; or

1                    (B) Privately owned and operated for compensation for the  
2 transportation of students to or from school or school-sponsored activities;  
3 and

4                    (2) A motor vehicle designed to carry more than twenty-five (25)  
5 passengers is exempt from this section if the motor vehicle is:

6                    (A) Owned by a public or governmental agency and operated  
7 for the transportation of students to or from school-sponsored activities but  
8 not used to transport students on any scheduled school bus route; or

9                    (B) Privately owned and operated for compensation under  
10 contract to a school district and used for the transportation of students to  
11 or from school-sponsored activities.

12                    (b)(1) Any new school bus whose function involves the loading or  
13 discharging of ~~school children~~ students as passengers shall be equipped with  
14 a flashing white strobe light in order to provide greater visibility to  
15 drivers in approaching vehicles.

16                    (2) The strobe light shall be in addition to those flasher  
17 lights required under § 27-51-1002.

18                    (c) Any new school bus whose function involves the loading or  
19 discharging of ~~school children~~ students as passengers on a regular route  
20 shall be equipped with an electric, air, or hydraulic-operated crossing gate  
21 in order to prevent ~~school children~~ a student from crossing in front of the  
22 bus in such a way that the school bus driver is unlikely to see them.

23                    (d) On and after July 1, 1997, all other school buses shall be  
24 retrofitted with a flashing white strobe light and an electric, air, or  
25 hydraulic-operated crossing gate for purposes as described in this section.

26                    (e) ~~By no~~ No later than July 1 of each year, the superintendent of  
27 each local school district shall certify to the Division of Public School  
28 Academic Facilities and Transportation that the district is in compliance  
29 with the provisions of this section.

30                    (f) The Director of the Division of Public School Academic Facilities  
31 and Transportation shall cause to be publicized the ~~first week of each school~~  
32 ~~year~~ third week of October as School Bus Safety Week.

33  
34                    SECTION 3. Arkansas Code § 6-19-119 is amended to read as follows:  
35                    6-19-119. School bus passengers required to be seated.

36                    (a) As used in this section, "school bus" means: ~~any vehicle being~~

1 ~~used to convey children to and from school that is marked in both front and~~  
2 ~~rear with the words "SCHOOL BUS" in plain lettering readable in daylight at a~~  
3 ~~distance of at least two hundred feet (200') from the vehicle~~

4 (1) A motor vehicle designed to carry more than ten (10)  
5 passengers:

6 (A) Owned by a public or governmental agency and operated  
7 for the transportation of students to or from school or school-sponsored  
8 activities; or

9 (B) Privately owned and operated for compensation for the  
10 transportation of students to or from school or school-sponsored activities;  
11 and

12 (2) A motor vehicle designed to carry more than twenty-five (25)  
13 passengers is exempt from this section if the motor vehicle is:

14 (A) Owned by a public or governmental agency and operated  
15 for the transportation of students to or from school-sponsored activities but  
16 not used to transport students on any scheduled school bus route; or

17 (B) Privately owned and operated for compensation under  
18 contract to a school district and used for the transportation of students to  
19 or from school-sponsored activities.

20 (b) ~~The driver of a~~ A school bus driver shall not operate the school  
21 bus until every passenger is seated.

22 (c)(1) The superintendent of each public school in this state ~~shall be~~  
23 is responsible for ensuring that no school bus is scheduled to transport more  
24 students than can be reasonably seated in the school bus.

25 (2) Any superintendent who knowingly violates subdivision (c)(1)  
26 of this section shall be guilty of a violation and upon conviction shall be  
27 fined not less than fifty dollars (\$50.00) nor more than one hundred dollars  
28 (\$100).

30 SECTION 4. Arkansas Code § 6-19-122 is amended to read as follows:

31 6-19-122. Safe transportation of school children on buses and other  
32 vehicles.

33 The Division of Public School Academic Facilities and Transportation or  
34 its successor shall undertake measures to provide for the safe, reliable, and  
35 efficient transportation of school children, including, but not limited to,  
36 the following:

(1) Develop and implement+

~~(A) A comprehensive maintenance management program for all preventive and other repair or replacement maintenance activities performed, including operating and maintenance documentation, on all public school buses; and~~

~~(B) Reasonable life cycle replacement policies to introduce the latest safety, efficiency, and emissions improvements into each school district's school bus fleet; and~~

(2) Ensure that the uniform comprehensive maintenance management program is adopted and followed by all school districts.

SECTION 5. Arkansas Code § 27-49-219(e), concerning definitions of various types of motor vehicles, is amended to read as follows:

(e) "School bus" means: ~~every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school~~

(1) A motor vehicle designed to carry more than ten (10) passengers:

(A) Owned by a public or governmental agency and operated for the transportation of students to or from school or school-sponsored activities; or

(B) Privately owned and operated for compensation for the transportation of students to or from school or school-sponsored activities; and

(2) A motor vehicle designed to carry more than twenty-five (25) passengers is exempt from this section if the motor vehicle is:

(Q) Owned by a public or governmental agency and operated for the transportation of students to or from school-sponsored activities but not used to transport students on any scheduled school bus route; or

(B) Privately owned and operated for compensation under contract to a school district and used for the transportation of students to or from school-sponsored activities.

/s/ Cook