

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 S3/29/07

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 or*



1 private school and operated for the transportation of students to or from
 2 school or school-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 or
 9 private school and operated for the transportation of students to or from
 10 school-sponsored activities but not used to transport students on any
 11 scheduled school bus 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 or private
 35 school and operated for the transportation of students to or from school or
 36 school-sponsored 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 or private
7 school and operated for the transportation of students to or from school-
8 sponsored activities but not used to transport students on any scheduled
9 school bus route; or

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

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

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

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

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

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

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

34
35 SECTION 3. Arkansas Code § 6-19-119 is amended to read as follows:
36 6-19-119. School bus passengers required to be seated.

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

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

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

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

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

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

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

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

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

27 (2) Any superintendent who knowingly violates subdivision (c)(1)
28 of this section shall be guilty of a violation and upon conviction shall be
29 fined not less than fifty dollars (\$50.00) nor more than one hundred dollars
30 (\$100).

31
32 SECTION 4. Arkansas Code § 6-19-122 is amended to read as follows:

33 6-19-122. Safe transportation of school children on buses and other
34 vehicles.

35 The Division of Public School Academic Facilities and Transportation or
36 its successor shall undertake measures to provide for the safe, reliable, and

1 efficient transportation of school children, including, but not limited to,
2 the following:

3 (1) Develop and implement+

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

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

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

13
14 SECTION 5. Arkansas Code § 27-49-219(e), concerning definitions of
15 various types of motor vehicles, is amended to read as follows:

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

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

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

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

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

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

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

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/s/ Cook