

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

A Bill

SENATE BILL 851

4
5 By: Senator Hendren
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For An Act To Be Entitled

9 AN ACT TO REVISE THE PENALTY FOR PASSING A SCHOOL
10 BUS; TO SIMPLIFY THE REPORTING OF VIOLATIONS OF
11 THE PASSING OF A SCHOOL BUS; AND FOR OTHER
12 PURPOSES.

Subtitle

13
14 TO REVISE THE PENALTY FOR PASSING A
15 SCHOOL BUS AND TO SIMPLIFY THE REPORTING
16 OF A VIOLATION OF THE PASSING OF A
17 SCHOOL BUS.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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23 SECTION 1. Arkansas Code § 27-51-1001 is amended to read as follows:
24 27-51-1001. Penalty.

25 (a)(1)~~(A)(i)~~ ~~Any party who~~ The owner or owners of any vehicle which
26 violates any of the provisions of this subchapter shall upon conviction be
27 guilty of a ~~misdemeanor violation~~ violation and shall be fined not less than two
28 hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000) ~~or~~
29 ~~confined in the county jail not to exceed ninety (90) days or both fined and~~
30 ~~imprisoned.~~

31 (2) In the event of joint ownership of a vehicle or ownership by
32 a partnership, the fines imposed pursuant to this section may be imposed
33 against any of the individual owners or against the owners jointly, but each
34 owner shall be jointly and severally liable for the total fine imposed.

35 (3) In the event of ownership of a vehicle by a trust, the fines
36 imposed pursuant to this section may be imposed against the trust through its



1 trustee.

2 (4) In the event of ownership of a vehicle by a corporation or
 3 limited liability company, the fines imposed pursuant to this section may be
 4 imposed against the corporation or company through its president or any
 5 officer who can be summoned into court.

6 ~~(ii)(b)~~ In addition to the penalties fine so prescribed under
 7 subsection (a) of this section, the court may order community service for the
 8 owner or owners of the vehicle found to have violated this section for not
 9 more than four hundred (400) hours total for all owners and shall suspend the
 10 person's driver's license for a period of not less than twenty one (21) days
 11 nor more than one (1) year.

12 ~~(B)~~ There is hereby created a rebuttable presumption that shall arise
 13 in any criminal action under this subchapter to the effect that if it can be
 14 proven that a person is the registered owner of a vehicle that is driven in a
 15 manner which violates the provisions of this subchapter, the person is
 16 presumed to have been the driver of the vehicle at the time of the violation.

17 (c) While a court may consider who was driving a vehicle at the time
 18 of the violation of this section to determine the fine or sentence, it is the
 19 specific intent of the General Assembly that the fines or community service,
 20 or both, imposed under this section are to apply to the owner or owners of
 21 the vehicle even if the identity of the driver of the vehicle at the time of
 22 the violation cannot be determined.

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

26 ~~(b)~~ In a proceeding for a violation of this subchapter, proof that the
 27 particular vehicle described in the citation, complaint, or warrant was in
 28 violation of this subchapter, together with proof that the defendant named in
 29 the citation, complaint, or warrant was, at the time of the violation, a
 30 registered owner of the vehicle, shall constitute, in evidence, a justifiable
 31 inference that the registered owner of the vehicle was the driver of the
 32 vehicle at the time of the violation.

33 (e) It shall be an affirmative defense to liability under this section
 34 that the vehicle involved in committing the violation was reported to be
 35 stolen.

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SECTION 2. Arkansas Code § 6-19-110(c), regarding the duties of bus drivers, is amended to read as follows:

(c)(1) The driver of a school bus who observes an operator of a motor vehicle violating § 27-51-1004 or § 27-51-1005 shall report the license plate number, issuing state if different than Arkansas, and a brief description of the vehicle to the superintendent within two (2) hours after the end of the driver's shift for that period of the day.

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

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

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