

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

HOUSE BILL 1002

5 By: Representative McElroy  
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## For An Act To Be Entitled

8 AN ACT TO REGULATE EQUIPMENT REQUIRED FOR SCHOOL  
9 BUSES; TO REQUIRE THAT CERTAIN SCHOOL BUSES BE  
10 EQUIPPED WITH SEAT BELTS; TO ENFORCE THE USE OF SEAT  
11 BELTS ON SCHOOL BUSES EQUIPPED WITH SEAT BELTS; AND  
12 FOR OTHER PURPOSES.  
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## Subtitle

15 TO REGULATE EQUIPMENT REQUIRED FOR SCHOOL  
16 BUSES; TO REQUIRE THAT CERTAIN SCHOOL  
17 BUSES BE EQUIPPED WITH SEAT BELTS; AND TO  
18 ENFORCE THE USE OF SEAT BELTS ON SCHOOL  
19 BUSES EQUIPPED WITH SEAT BELTS.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code § 6-19-117, concerning school bus safety  
26 equipment, is amended to add an additional subsection to read as follows:

27 (g) If funding is provided as required in § 6-19-130(d), a school bus  
28 that is purchased new and that is to be used in Arkansas on or after January  
29 1, 2018, shall be equipped with seat belts or passenger restraint systems  
30 that meet the federal requirements contained in 49 C.F.R. § 571.208 in a  
31 number sufficient to allow each student who is being transported in the  
32 school bus to use a seat belt or passenger restraint system.  
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34 SECTION 2. Arkansas Code Title 6, Chapter 19, Subchapter 1, is amended  
35 to add a new section to read as follows:

36 6-19-130. School bus seat belts and passenger restraint systems.



1       (a)(1) A school district shall require a student being transported in  
2 a school bus operated by or contracted for operation by the school district  
3 to wear a seat belt or passenger restraint system if the school bus is  
4 required under § 6-19-117(g) to be equipped with a seat belt or passenger  
5 restraint system for each passenger on the school bus.

6       (2) Except as provided in subsection (c) of this section, a  
7 student being transported in a school bus that is required to be equipped  
8 with seat belts or passenger restraint systems shall use a seat belt or  
9 passenger restraint system at all times while the school bus is in motion.

10       (b) A school district may implement a disciplinary policy to enforce  
11 the use of seat belts and passenger restraint systems by students being  
12 transported in a school bus.

13       (c) This section does not apply:

14       (1)(A) To a passenger with a physically disabling condition or  
15 medical condition that prevents appropriate restraint in a seat belt or a  
16 passenger restraint system, if the condition is certified in writing by a  
17 licensed physician or licensed chiropractor.

18       (B) The licensed physician or licensed chiropractor  
19 providing the certification under subdivision (c)(1)(A) of this section shall  
20 state the nature of the condition and the reason the seat belt or passenger  
21 restraint system is inappropriate; or

22       (2)(A) In the case of an emergency that may necessitate the  
23 loading of school children on a school bus in excess of the limits of its  
24 seating capacity.

25       (B) As used in this subdivision (c)(2), “emergency” means  
26 a natural disaster or hazard that requires students to be moved immediately  
27 in order to ensure their safety.

28       (d) If a petition signed by at least ten percent (10%) of a school  
29 district’s qualified electors is submitted to the school district requesting  
30 that the school district’s school buses be equipped with seat belts or  
31 passenger restraint systems, the school district shall:

32       (1) Propose to levy an additional annual ad valorem property tax  
33 on the assessed value of taxable real, personal, or utility property as  
34 authorized by Arkansas Constitution, Article 14, § 3(c)(1) for the cost of:

35       (A) Purchasing, installing, and maintaining the seat belts  
36 or passenger restraint systems required under § 6-19-117(g); and

1                   (B) Developing and making available to each school  
2 district a program of instruction in the proper use of a school bus seat belt  
3 or passenger restraint system;

4                   (2) Calculate the amount of the additional tax levied to be  
5 included in the school district's proposal required by subdivision (d)(1) of  
6 this section; and

7                   (3) Place the proposal required by subdivision (d)(1) of this  
8 section on the ballot to be voted on by qualified electors at the annual  
9 school election held as provided in § 6-14-102(a)(1).

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