

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
91st General Assembly
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As Engrossed: H1/31/17 S2/23/17
A Bill

HOUSE BILL 1002

By: Representative McElroy
By: Senator D. Wallace

For An Act To Be Entitled

AN ACT TO REGULATE EQUIPMENT REQUIRED FOR SCHOOL BUSES; TO REQUIRE THAT CERTAIN SCHOOL BUSES BE EQUIPPED WITH SEAT BELTS; TO ENFORCE THE USE OF SEAT BELTS ON SCHOOL BUSES EQUIPPED WITH SEAT BELTS; AND FOR OTHER PURPOSES.

Subtitle

TO REGULATE EQUIPMENT REQUIRED FOR SCHOOL BUSES; TO REQUIRE THAT CERTAIN SCHOOL BUSES BE EQUIPPED WITH SEAT BELTS; AND TO ENFORCE THE USE OF SEAT BELTS ON SCHOOL BUSES EQUIPPED WITH SEAT BELTS.

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

SECTION 1. Arkansas Code § 6-19-117, concerning school bus safety equipment, is amended to add an additional subsection to read as follows:

(g) If funding is provided as required in § 6-19-130(d), a school bus that is purchased new or leased and that is to be used in Arkansas on or after January 1, 2018, shall be equipped with a passenger restraint system as defined in § 6-19-130 in a number sufficient to allow each student who is being transported in the school bus to use a passenger restraint system.

SECTION 2. Arkansas Code Title 6, Chapter 19, Subchapter 1, is amended to add a new section to read as follows:

6-19-130. School bus passenger restraint systems.



(a) As used in this section, a "passenger restraint system" means:

(1) A type 2 seat belt assembly that is in compliance with Federal Motor Vehicle Safety Standard 209 and with Federal Motor Vehicle Safety Standard 210 as those standards were in effect on the date the school bus was manufactured; or

(2) A type 2 lap and shoulder restraint system and that is in compliance with Federal Motor Vehicle Safety Standard 222.

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

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

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

(c) This section does not apply:

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

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

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

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

(d) If a petition signed by at least ten percent (10%) of a school district's qualified electors is submitted to the school district requesting

that the school district's school buses be equipped with passenger restraint systems, the school district shall:

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

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

(B) Developing and making available to each school within the district a program of instruction in the proper use of a school bus passenger restraint system;

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

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

(B)(i) If a school district has a project under consideration at the time the petition required under subsection (d) is submitted, the school district is not required to place the proposal on the ballot.

(ii) However, the proposal shall be voted on at the next annual school election.

(e) Nothing in this section prohibits a school district from purchasing, installing, and maintaining the passenger restraint systems required under § 6-19-117(g) with funds:

(1) Available in foundation funding under § 6-20-2305;

(2) Received by the school district as provided by law; or

(3) Applied for or received as a gift, grant, or donation.

/s/McElroy