

1 State of Arkansas *As Engrossed: H1/31/17 S2/23/17*

2 91st General Assembly

A Bill

3 Regular Session, 2017

HOUSE BILL 1002

4

5 By: Representative McElroy

6 *By: Senator D. Wallace*

7

8

For An Act To Be Entitled

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

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Subtitle

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

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

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

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



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

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

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

8 (b)(1) A school district shall require a student being transported in
9 a school bus operated by or contracted for operation by the school district
10 to wear a passenger restraint system if the school bus is required under § 6-
11 19-117(g) to be equipped with a passenger restraint system for each passenger
12 on the school bus.

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

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

20 (c) This section does not apply:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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30 /s/McElroy

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33 **APPROVED: 03/06/2017**