

State of Arkansas

76th General Assembly

Regular Session, 1987

HOUSE BILL 1532

By: Representatives Fuller and Hendrix

"AN ACT TO REQUIRE CERTIFICATION OF ALL DRIVERS OF ACTIVITY BUSES; TO REQUIRE ACTIVITY BUSES TO UNDERGO SAFETY INSPECTION TWICE ANNUALLY; TO ESTABLISH PENALTIES FOR A VIOLATION OF THESE REQUIREMENTS; AND FOR OTHER PURPOSES."

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

SECTION 1. On and after January 1, 1988, no person shall operate an activity bus which is registered in this State upon the streets and highways unless he or she holds a current valid certification as an activity bus driver. The term "activity bus" as used in this Act shall mean any bus or motor vehicle designed and manufactured to carry more than fifteen (15) passengers and used for carrying passengers. "Activity bus" includes all buses used for carrying passengers, organization members, or other persons and owned and operated by a church, by a boy scout troop, by a 4-H organization or a farm. The term does not include: public school buses used for the transportation of students to and from public school and subject to the bus safety programs of the state Department of Education; buses or other vehicles operated by any transit system or transit-related agency of a public purpose government funded non-profit corporation such as community action agencies, economic development districts, aging programs or programs licensed and inspected by Developmental Disabilities Services; or buses which have been converted to or equipped as a camper bus and which are used as a camper bus as defined by Act 87 of 1965, as amended.

SECTION 2. Certification as an activity bus driver shall be issued by the Office of Driver Services of the Revenue Division of the Department of Finance and Administration after the driver has passed the tests and requirements as hereafter provided by this Act. This certificate shall be required

in addition to a chauffeur's license or a motor vehicle operator's license and shall be in the driver's possession any time he or she operates an activity bus upon the highways of this State.

SECTION 3. (a) Any person desiring to obtain an activity bus driver certification shall make an application to the Office of Driver Services for the issuance of a certificate and must hold a current valid motor vehicle operator's license or chauffeur's license. The application shall include a statement signed by the person applying which authorizes the release of his or her driver history record from the Office of Driver Services to the Arkansas State Police to allow for the evaluation of his or her driving record.

(b) Before the certificate may be issued, the applying driver shall present to the Office of Driver Services with a copy of a certificate issued by the Arkansas State Police showing that the applying driver has met all of the requirements of the Arkansas State Police to become a certified activity bus driver.

(c) An activity bus driver certification shall be issued for a period of two (2) years and the fee for the certification shall be the same as the fee for motor vehicle operator's licenses as provided for in Sections 18 and 25 of Act 280 of 1937, as amended, the same being Arkansas Statutes 75-320 and 75-325. Provided, however, that no fee will be required if an application for certification or application for renewal is submitted at the time the applicant's operator's license or chauffeur's license is renewed and the applicant has complied with all other provisions of this Act.

(d) All fees collected under Subsection (c) of this Section shall be deposited in the State Treasury, as special revenues, and the net amount thereof shall be credited to the State Police Fund to be used for the maintenance and operations of the Arkansas State Police Department.

SECTION 4. The Arkansas State Police shall prescribe an appropriate series of examinations to be taken by a person who desires to be certified as an activity bus driver as required by this Act. The series of examination shall include: (1) a written examination designed to determine the applicant's knowledge of traffic laws and regulations, and other matters necessary to determine an applicant's knowledge of the operation of activity buses or similar motor vehicles; (2) a physical examination, including an eye test,

given by a licensed physician or a registered nurse; (3) an actual road test designed to determine the applying driver's familiarity with the controls of the motor vehicle and his ability to safely operate the activity bus; (4) an evaluation of the applying driver's driver history record to insure that he or she has not been convicted within the past three (3) years of operating a motor vehicle in a reckless manner or while under the influence of intoxicating liquor or narcotic drugs; and (5) other requirements as may be prescribed by rules and regulations issued by the Arkansas State Police for qualification and fitness as an activity bus driver.

SECTION 5. Each certified activity bus driver who seeks to renew his or her certification shall make application for renewal with the Office of Driver Services and shall provide proof that he or she has satisfactorily passed a renewal procedure prescribed by the Arkansas State Police. The application for renewal shall include a statement signed by the person applying which authorizes the release of his or her driver history record from the Office of Driver Services to the Arkansas State Police. The renewal procedure shall include: (1) a physical examination, including an eye test, given by a licensed physician or a registered nurse; (2) an evaluation of an applicant's driver history record to insure he or she has not been convicted within the past three (3) years of operating a motor vehicle in a reckless manner or while under the influence of intoxicating liquor or narcotic drugs; (3) proof that he or she has completed a workshop on activity bus safety or an equivalent workshop as prescribed by the Arkansas State Police; and (4) other requirements as may be prescribed by rules and regulations issued by the Arkansas State Police to insure the driver's continuing ability to operate an activity bus safely.

SECTION 6. Every activity bus registered in this State shall be inspected twice annually for safety and an official certificate of inspection and approval shall be obtained for each activity bus. The annual motor vehicle safety inspection for safety required by Section 3 of Act 638 of 1967, as amended, the same being Arkansas Statute 75-2103, shall serve as the initial inspection for safety for activity buses. The second inspection for safety shall occur in the same manner, using the same procedures, in the same authorized inspection stations, and subject to the same inspection fees as the

initial inspection under Act 638 of 1967, as amended, the same being Arkansas Statutes 75-2101 et seq. The second inspection for safety shall occur more than 150 days and not later than 210 days after the initial inspection for safety. The second inspection shall be evidenced by the issuance of a certificate of inspection which shall be placed on the front windshield beside the initial inspection certificate so as not to obstruct the vision of the driver. The fees for the second inspection shall be distributed in the same manner as fees for the initial inspection.

SECTION 7. The Director, uniformed officers, and troopers of the Arkansas State Police Department and other peace officers as the Director designates may, at any time, upon reasonable cause to believe that an activity bus is not safe or not equipped as required by law, or that it is being operated by someone who is not certified as an activity bus driver, require the driver to stop and submit the activity bus to an inspection or require the driver to show proof of his certification to drive the vehicle.

Any person who operates an activity bus upon the highways of this State and who is not certified as a driver or operator of an activity bus as required by this Act is guilty of a misdemeanor and upon conviction shall be fined not less than twenty dollars (\$20.00) nor more than two hundred dollars (\$200.00).

Any person who operates on the highways of this State an activity bus which has not met the requirements for the semi-annual safety inspection is guilty of a misdemeanor and upon conviction shall be fined not less than twenty dollars (\$20.00) nor more than two hundred dollars (\$200.00).

SECTION 8. All laws and parts of laws in conflict with this Act are hereby repealed.

