

School Bus Laws

6-17-1116. School bus drivers.

(a) For the purposes of this section, a full-time school bus driver is:

(1) A person who contracts with a public school district to operate a school bus for at least seven hundred twenty (720) hours during the school year;

(2) A person whose primary source of income during the school year is obtained by operating a school bus for a public school district; or

(3) A person who contracts with a public school district to operate a school bus and is designated by the superintendent as a full-time school bus driver, regardless of the number of hours for which the person contracted.

(b) All full-time school bus drivers who are not under current law eligible to participate in the public school employees insurance program provided for by §§ 6-17-1109 and 6-17-1111 -- 6-17-1115 shall hereafter be eligible to participate in the program provided that they pay all costs associated with participating in the program unless the employing school district opts to pay all or a portion of that cost.

6-18-506. School Dismissal Act.

(a) This section may be cited as the "School Dismissal Act".

(b) Every school district board of directors shall adopt and file with the Department of Education written policies concerning the violation of school standards such as disrespect for teachers and classified school employees, vandalism, and other undesirable behavioral patterns.

(c) Every school district board of directors in this state shall hold its pupils strictly accountable for any disorderly conduct in school, on the school grounds, in a school bus, or at any school function.

(d) Each school district board of directors shall adopt written rules and regulations delineating its disciplinary policies.

(e) This policy may be revised at any time by filing an updated policy with the department.

6-18-801. Rules and regulations.

The State Board of Education shall promulgate rules and regulations by which every school district board of directors in this state may organize, regulate, and supervise school safety patrols for the purpose of:

(1) Influencing and encouraging the other pupils from crossing public highways and

streets at points other than at regular crossings;

(2) Influencing and encouraging pupils to refrain from crossing at regular crossings when the presence of traffic would render such crossing unsafe; and

(3) Assisting drivers of school buses in maintaining safety rules and in ascertaining that pupils are received and discharged from buses in safety.) The policy may be revised at any time by filing an updated policy with the department.

6-19-102. Authority to transport students -- Vehicles and operators.

(a) The board of directors of each school district in the state is authorized to purchase vehicles and otherwise provide means for transporting pupils to and from school, when necessary.

(b) To this end it may hire or purchase such school buses or other vehicles and hire persons to operate them, or make such other arrangements as it may deem best, affording safe and convenient transportation to the pupils, and the board of directors may pay for all such property or services out of the funds of the district.

(c) Any contract with any member of the school district board of directors for the transportation of children or to drive a bus shall be null and void.

(d) A bus or other vehicle used in transporting pupils in one (1) district shall not be used to transport pupils in another district without the consent of the Department of Education.

(e) The buses shall be of such specifications as may be prescribed by uniform rules and regulations of the State Board of Education.

6-19-104. Bus drivers generally.

Drivers or operators of school buses shall comply with all laws and regulations pertaining to school bus drivers or operators not in conflict with the provisions of §§ 6-19-101, 6-19-103, 6-19-105, and 6-19-106. omission for Arkansas Public School Academic Facilities and Transportation.

6-19-106. Bus drivers -- Qualifications.

(a) No person physically defective or of unsound mind, known to be a habitual drunkard or of immoral habits, or who has 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, who has a general reputation of being a fast and reckless operator of motor vehicles without regard to the rights of others, or who is less than nineteen (19) years of age on June 30 following his or her last birthday shall be permitted or employed to act as chauffeur or operator of any school bus, either privately or publicly owned, operated by public school districts and used to transport pupils to and from the public schools in the State of Arkansas.

(b) All school bus drivers employed as provided herein are exempt from the regular chauffeur's license as heretofore required by law; this does not, however, apply to drivers of buses operated for other purpose or purposes than to transport school children.

6-19-107. Bus drivers -- Application for employment -- Driving records.

(a) An applicant for employment as a school bus driver shall submit an application prescribed by the Division of Public School Academic Facilities and Transportation to the school district in which he or she seeks employment. The application shall include a statement signed by the applicant that authorizes the release of his or her traffic violation report from the Office of Driver Services to provide the school district with the applicant's driving record.

(b) The office shall report the applicant's driving record without charge to the school district requesting the record.

(c) The applicant's driving record shall be evaluated according to guidelines established by the division prior to permanent employment. The school district may hire an applicant as a bus driver on a temporary basis until official verification of the driving record is received and evaluated. The school district shall review and maintain a file of semiannual reports on the driving records of school bus drivers.

6-19-108. Bus drivers -- Certification.

(a) (1) An applicant seeking employment as a driver or an operator of a school bus, either privately or publicly owned, is required to take and pass a series of tests as prescribed by the Department of Arkansas State Police under § 27-23-108 and the Division of Public School Academic Facilities and Transportation to determine the physical fitness and driving ability to serve as a school bus driver.

(2) The tests shall include:

(A) A physical examination given by a licensed physician or advanced practice nurse for school bus drivers, as required by the division;

(B) Other requirements as may be prescribed by rules issued jointly by the department and the division for qualifications and fitness of school bus drivers; and

(C) A successfully completed standard bus driver training and preservice behind-the-wheel training program as prescribed by the division.

(b) Upon successful completion and documentation of training listed in subdivision (a)(2)(C) of this section, a certificate, valid for one (1) year, shall be issued by the division.

(c) (1) A school bus driver shall not be employed as an operator of a school bus to transport children to and from school or school-sponsored activities unless he or she has

satisfactorily completed the in-service training required in subsection (d) of this section and possesses a current valid certificate therefor.

(2) The certificate shall be required in addition to a commercial driver's license and any additional qualifications required by the school district board of directors.

(d) A school bus driver who seeks a renewal of his or her bus driver certificate shall provide proof that he or she has satisfactorily:

(1) Passed a physical examination given by a licensed physician or advanced practice nurse within the previous two (2) years; and

(2) Completed in-service training for school bus drivers as prescribed by the division.

(e) A school district board of directors may provide a substitute driver to operate a school bus on a temporary basis without a certificate until the next regularly scheduled school bus driver's examination is held in the locality if:

(1) A qualified school bus driver is not available to operate a school bus due to death, resignation, disability, illness, or other cause; and

(2) The school district board of directors is not able to obtain a qualified bus driver with a certificate.

(f) Extracurricular trips shall be made by certified drivers only.

(g) A person who violates the provisions of this section is guilty of a Class A misdemeanor.

6-19-109. Bus drivers -- Seat belts.

The driver or operator of a school bus shall wear a seat belt at all times while operating the school bus whenever the bus is so equipped.

6-19-110. Bus drivers -- Loading and discharging pupils.

(a) As used in this section:

(1) "Motor vehicle" means all vehicles, all movable engines, or machines that are operated or propelled by motor vehicle fuel and that are operated and used for travel on public roads and highways; and

(2) (A) "School bus" means a motor vehicle designed to carry more than ten (10) passengers:

(i) Owned by a public or a governmental agency or a private school and operated for the transportation of students to or from school or school-sponsored activities; or

(ii) Privately owned and operated for compensation for the transportation of students to or from school or school-sponsored activities.

(B) A motor vehicle designed to carry more than twenty-five (25) passengers is exempt from this section if the motor vehicle is:

(i) Owned by a public or a governmental agency or a private school and operated for the transportation of students to or from school-sponsored activities but not used to transport students on any scheduled school bus route; or

(ii) Privately owned and operated for compensation under contract to a school district and used for the transportation of students to or from school-sponsored activities.

(b) The purpose of this section is to improve the safety of children being loaded and unloaded as passengers on a school bus.

(c) (1) The superintendent and director of transportation of each school district, in consultation with the appropriate law enforcement agency and appropriate prosecuting authority, shall develop a school bus safety plan designed to ensure the safety of children being loaded onto or unloaded from school buses.

(2) The school bus safety plan shall include provisions to:

(A) Reduce the occurrence of a motor vehicle passing a stopped school bus that is loading or unloading students; and

(B) Improve the likelihood that the operator of a motor vehicle who violates § 27-51-1004 or § 27-51-1005 will be prosecuted by assisting bus drivers to learn methods of identifying characteristics of a motor vehicle and its operator who violate § 27-51-1004 or § 27-51-1005 to law enforcement officers.

(d) (1) The driver of a school bus shall load and unload the passengers of the bus at the extreme right side of the paved or improved portion of the road or the highway and at the right curbing when the curbing is maintained on the road or the highway.

(2) A driver of a school bus who fails to carry out the provisions of this subsection is guilty of a Class C misdemeanor.

(e) (1) A 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.

(2) Within forty-eight (48) hours of the observation, the superintendent shall provide the information to the appropriate law enforcement agency or appropriate prosecuting authority with jurisdiction over the incident.

(3) The appropriate law enforcement agency or appropriate prosecuting authority with jurisdiction over the incident who is provided a report under this section shall provide written notice to the superintendent regarding the outcome of the report.

(4) The superintendent shall provide information regarding the outcome of the report to the driver of the school bus who initiated the report.

(f) A person who observes an operator of a motor vehicle violating § 27-51-1004 or § 27-51-1005 may report the incident to the appropriate law enforcement agency or appropriate prosecuting authority with jurisdiction over the incident.

6-19-111. Bus regulations -- Design and operation.

(a) The State Board of Education by and with the advice of the State Highway Commission shall adopt and enforce regulations not inconsistent with this act to govern the design and operation of all school buses used for the transportation of school children when the buses are owned and operated by any school district or privately owned and operated under contract with any school district in this state.

(b) Such regulations shall by reference be made a part of any contract with a school district.

(c) Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to the regulations.

(d) Any officer or employee of any school district who violates any of the regulations or fails to include an obligation to comply with the regulations in any contract executed by him on behalf of a school district shall be guilty of misconduct and subject to removal from office or employment.

(e) Any person operating a school bus under contract with a school district who fails to comply with any such regulations shall be guilty of breach of contract, and the contract shall be cancelled after notice by the responsible officers of the school district.

6-19-112. Tax exemption for school vehicles.

(a) All motor vehicles owned and operated by public school districts in Arkansas and used exclusively for school purposes shall be exempt from taxation by the state, county, or municipality.

(b) This exemption is to include license tag fees and charges as well as property taxes.

6-19-113. Registration exemption for buses.

No school bus owned by a school district in this state shall be required to be registered under the motor vehicle registration laws of this state.

6-19-114. Purchase of buses.

(a) School buses purchased with loans from the Revolving Loan Fund must meet the prescribed minimum standards and regulations for school buses and must be owned and operated by the district purchasing them.

(b) (1) The purchase of school buses with loans from the fund shall be made upon competitive bids.

(2) Forms for bids shall be approved by the State Board of Education.

(3) The district shall advertise for bids by publication of notice in a newspaper having bona fide circulation in the county where the district is located, one (1) time a week for two (2) weeks, giving the date and place of opening bids.

(4) The first publication of notice shall be not less than thirty (30) days from the date set for opening bids and awarding of contracts.

(c) (1) Any school district which shall desire that the state board purchase buses for that school district, instead of making the purchase as provided in this section, may apply to the state board to make the purchase for it.

(2) If the state board shall receive within a sixty-day period application for the purchase of ten (10) or more buses from one (1) or more districts, the purchase shall, collectively, be made by the state board as is provided in this section for advertising for and accepting bids by a school district, except that the advertisement for bids shall be in some newspaper having a statewide circulation.

6-19-115. Bus permit numbers.

(a) (1) The Commission for Arkansas Public School Academic Facilities and Transportation shall establish a system of permit numbers to be used in identifying school buses owned or operated by or in behalf of school districts in this state.

(2) The system of permit numbers shall assign an identifying prefix number to each school district with provisions for consecutive numbers thereafter for buses of the district.

(b) Each school district in this state shall be notified of the permit number assigned the school district under this section and shall be furnished instructions for identifying all school buses owned or operated by or in behalf of the school district.

(c) (1) The permit number assigned each school district and the school district name shall be painted in letters not less than six inches (6") high on both sides and on the rear of all school buses owned by the district or used in behalf of the district.

(2) Permit numbers shall be painted on the buses in compliance with the rules

promulgated by the commission.

(d) No school district in this state shall operate a school bus nor shall any school bus be operated for or in behalf of a school district unless the school district name and permit number has been painted on the bus in compliance with this section.

(e) A school district failing to comply with this section shall be penalized by the withholding of all transportation aid due the district from the state until the school district is in compliance with this section.

6-19-116. Bus mirrors.

(a) Every school bus used for the transportation of pupils to or from school shall be equipped with one (1) or more mirrors of sufficient size so positioned on the bus as to permit the driver to see clearly the area immediately in front of the bus.

(b) The Division of Public School Academic Facilities and Transportation is authorized to adopt appropriate rules and regulations as it deems necessary to carry out the intent and purposes of this section.

6-19-117. School bus safety equipment.

(a) As used in this section, "school bus" means:

(1) A motor vehicle designed to carry more than ten (10) passengers:

(A) Owned by a public or a governmental agency or a private school and operated for the transportation of students to or from school or school-sponsored activities; or

(B) Privately owned and operated for compensation for the transportation of students to or from school or school-sponsored activities; and

(2) A motor vehicle designed to carry more than twenty-five (25) passengers is exempt from this section if the motor vehicle is:

(A) Owned by a public or a governmental agency or a private school and operated for the transportation of students to or from school-sponsored activities but not used to transport students on any scheduled school bus route; or

(B) Privately owned and operated for compensation under contract to a school district and used for the transportation of students to or from school-sponsored activities.

(b) (1) Any new school bus whose function involves the loading or discharging of students as passengers shall be equipped with a flashing white strobe light in order to provide greater visibility to drivers in approaching vehicles.

(2) The strobe light shall be in addition to those flasher lights required under § 27-51-

1002.

(c) Any new school bus whose function involves the loading or discharging of students as passengers on a regular route shall be equipped with an electric, air, or hydraulic-operated crossing gate in order to prevent a student from crossing in front of the bus in such a way that the school bus driver is unlikely to see him or her.

(d) On and after July 1, 1997, all other school buses shall be retrofitted with a flashing white strobe light and an electric, air, or hydraulic-operated crossing gate for purposes as described in this section.

(e) No later than July 1 of each year, the superintendent of each local school district shall certify to the Division of Public School Academic Facilities and Transportation that the district is in compliance with the provisions of this section.

(f) The Director of the Division of Public School Academic Facilities and Transportation shall cause to be publicized the third week of October as School Bus Safety Week.

6-19-119. School bus passengers required to be seated.

(a) As used in this section, "school bus" means:

(1) A motor vehicle designed to carry more than ten (10) passengers:

(A) Owned by a public or a governmental agency or a private school and operated for the transportation of students to or from school or school-sponsored activities; or

(B) Privately owned and operated for compensation for the transportation of students to or from school or school-sponsored activities; and

(2) A motor vehicle designed to carry more than twenty-five (25) passengers is exempt from this section if the motor vehicle is:

(A) Owned by a public or a governmental agency or a private school and operated for the transportation of students to or from school-sponsored activities but not used to transport students on any scheduled school bus route; or

(B) Privately owned and operated for compensation under contract to a school district and used for the transportation of students to or from school-sponsored activities.

(b) A school bus driver shall not operate the school bus until every passenger is seated.

(c) (1) The superintendent of each public school in this state is responsible for ensuring that no school bus is scheduled to transport more students than can be reasonably seated in the school bus.

(2) Any superintendent who knowingly violates subdivision (c)(1) of this section shall be guilty of a violation and upon conviction shall be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100).

6-19-120. Operation of a school bus while using a cellular telephone.

(a) As used in this section:

(1) "Cellular telephone" means a wireless two-way communication device that requires the operator to dial numbers manually and that:

(A) Includes radio-telephone communications used in cellular telephone service, personal communication service, or the functional equivalent of a radio-telephone communications line used in cellular telephone service or a personal communication service; and

(B) Does not include a citizens band radio or a citizens band radio hybrid; and

(2) "School bus" means every motor vehicle owned by a public school district or operated under contract for a public school district and used for the transportation of children to or from school or school-sponsored activities.

(b) Except as provided in subsection (c) of this section, a person shall not operate a school bus while using a cellular telephone.

(c) This section does not apply to the use of a cellular telephone:

(1) For the purpose of communicating with any of the following regarding an emergency situation:

(A) An emergency system response operator or 911 public safety communications dispatcher;

(B) A hospital or emergency room;

(C) A physician's office or health clinic;

(D) An ambulance or fire department rescue service;

(E) A fire department, fire protection district, or volunteer fire department; or

(F) A police department;

(2) To call for assistance if there is a mechanical breakdown or other mechanical problem impairing the operation of the bus; or

(3) When the school bus is parked.

(d) A person who violates this section is guilty of a violation and may be fined not less than one hundred dollars (\$100) nor more than two hundred fifty dollars (\$250).

6-19-121. Approved buses.

After April 11, 2005, no public school in the state shall purchase nonconforming vans, as defined by the federal motor vehicle safety standards in existence on January 1, 2005, to transport students to or from school or to any school-related activity.

6-19-122. Safe transportation of school children on buses and other vehicles.

The Division of Public School Academic Facilities and Transportation or its successor shall undertake measures to provide for the safe, reliable, and efficient transportation of school children, including, but not limited to, the following:

(1) Develop and implement a comprehensive maintenance management program for all preventive and other repair or replacement maintenance activities performed, including operating and maintenance documentation, on all public school buses; and

(2) Ensure that the uniform comprehensive maintenance management program is adopted and followed by all school districts.

6-19-124. Mobile Learning Technology Pilot Program.

(a) The General Assembly finds that:

(1) In rural areas of the state, public school students may spend hours of unproductive time on the school bus being transported to and from school;

(2) The state has a critical need to increase its workforce in the fields of science, technology, engineering, and mathematics for national and global economic competitiveness;

(3) Long, unproductive bus commutes are transformed into productive learning environments in the fields of mathematics and science through the use of mobile learning technology and the accompanying personalized learning experiences; and

(4) A statewide pilot program using mobile learning technology will develop untapped talent for the science, technology, engineering, and mathematics workforce.

(b) (1) The Mobile Learning Technology Pilot Program is created as a three-year pilot program to provide the mobile learning technology under this section to a total of up to twenty-five (25) public school districts.

(2) Each congressional district in the state may have up to five (5) public school districts

participating in the pilot program.

(c) The Department of Education shall begin the pilot program with the 2010-2011 school year and continue the pilot program through the end of the 2012-2013 school year.

(d) (1) Each public school district participating in the pilot program shall equip up to three (3) school buses with wireless Internet service and purchase or obtain the following technology:

(A) Fifteen (15) laptop computers;

(B) Forty (40) portable devices for storing video files;

(C) Two (2) sets of media screens; and

(D) Math and science software for use with the laptop computers and video portable devices for storing video files.

(2) The public school district may use foundation funding provided for technology or other funding sources for purchases made under this subsection.

(e) The pilot program also shall provide:

(1) For each public school district participating in the pilot program, a community classroom teacher who is available for student questions and meets with pilot students weekly in a community classroom environment;

(2) Partnerships with institutions of higher education, the school district community, and corporate entities that will expose the pilot students to careers and professionals in the fields of science, technology, engineering, and mathematics;

(3) Measurements of specified outcomes, including without limitation:

(A) The number and types of courses completed by pilot students;

(B) The number and types of Advanced Placement courses completed by the pilot students and the Advanced Placement examination scores; and

(C) The results of Arkansas benchmark assessments for the pilot students;

(4) A comparison of the state benchmark assessments in pilot and nonpilot public school districts; and

(5) A survey of the pilot students' interests in careers and courses of study in science, technology, engineering, and mathematics fields.

(f) As funds are appropriated and available, the department may hire consultants or experts with the knowledge of and appropriate experience with mobile learning technology for use on school buses as well as other qualifications established by the department.

(g) (1) At the end of the three-year period, the department or its consultants or experts shall prepare an evaluation of the pilot program and report on the evaluation to the House Committee on Education and to the Senate Committee on Education.

(2) Consultants or experts hired by the department shall be available to answer questions or provide information as requested by the House Committee on Education and the Senate Committee on Education.

6-19-125. Safety equipment grant pilot program.

(a) As used in this section:

(1) "Electronic warning device" means a nine-inch by twenty-four-inch (9" x 24") electronic driver alert sign that uses a light-emitting diode (LED) screen and is to be mounted between the two (2) windows of the rear emergency exit door on a Type C bus or immediately below the rear emergency exit window on a Type D bus;

(2) "High incident route" means a school bus route that has been identified by the school district or the Division of Public School Academic Facilities and Transportation as having a history of repeated and verified incidents of operators of motor vehicles illegally passing the school bus during the loading or unloading of passengers on the school bus route in violation of § 27-51-1004; and

(3) (A) "Video recording device" means a device that includes at least one (1) video camera and a data recording device that is installed on a school bus to capture video or digital images of a violation of § 27-51-1004.

(B) A video recording device that is issued under this section shall have specifications and features that allow it to capture video or digital images of at least two (2) of the following:

- (i)** The motor vehicle;
- (ii)** The operator of the motor vehicle; or
- (iii)** The license plate on the motor vehicle.

(b) The division shall create a school bus safety equipment grant pilot program, subject to the appropriation and availability of funding.

(c) The goal of the school bus safety equipment grant pilot program is to provide school districts with video recording devices or other electronic warning devices for school buses

that travel on high incident routes.

(d) (1) A school district may apply to the division for a grant for a video recording device or electronic warning device for the installation and use on the school district's school buses.

(2) The division shall award a grant of equipment to a school district to improve the safety of school bus transportation to the school district applicants that are most in need as determined by the following factors:

(A) The number of high incident routes;

(B) The number of school bus routes;

(C) The type of roads;

(D) The number of students transported on school buses; and

(E) The size of the school district.

(e) The grant of equipment shall be the video recording device or electronic warning device purchased by the division and does not include installation costs.

(f) The school district shall certify to the division within forty-five (45) days after receiving the equipment that the equipment was installed according to the division's specifications on a school bus that travels on a high incident route.

(g) The division may promulgate rules for the implementation and administration of this section.

6-19-126. Notice on school buses.

(a) If a school bus is not equipped with an electronic warning device as defined under § 6-19-125, a school district may have printed or otherwise displayed on the exterior of a school bus between the two (2) windows of the rear emergency exit door on a Type C bus or immediately below the rear emergency exit window on a Type D bus the following notification:

"ARKANSAS LAW: STOP WHEN RED LIGHTS ARE FLASHING".

(b) A school bus that is purchased on or after January 1, 2011, shall be equipped with either:

(1) A notice printed or otherwise displayed as provided under subsection (a) of this section; or

6-21-304. Manner of making purchases.

April 26, 2013

(a) (1) All purchases of commodities by any school district, except those specifically exempted by § 6-21-305, shall be made as follows:

(A) In each instance in which the estimated purchase price shall equal or exceed ten thousand dollars (\$10,000), the commodity shall be procured by soliciting bids, provided that the purchasing official may reject all bids and may purchase the commodity by negotiating a contract. If the purchasing official, after rejecting all bids, determines that the purchase should be made by negotiation, then each responsible bidder who submitted a bid shall be notified of the determination and shall be given a reasonable opportunity to negotiate;

(B) Open market purchases may be made when the purchase price is less than ten thousand dollars (\$10,000); and

(C) No purchasing official shall parcel or split any item or items with the intent or purpose to enable the purchase to be made under a less restrictive procedure.

(2) (A) In soliciting bids for the purchase of a commodity, a school district or a person or organization acting on behalf of a school district shall not impose qualifications or specifications that unreasonably restrict competition for the purchase of a commodity.

(B) (i) As used in this subdivision (a)(2), "specifications" means a technical description or other description of the physical or functional characteristics of a commodity.

(ii) Specifications shall not include the name or identity of any specific vendor.

(3) (A) A school district shall notify in writing all actual or prospective bidders, offerors, or contractors who make a written request to the school district for notification of opportunities to bid.

(B) Notice under subdivision (a)(3)(A) of this section shall be provided in sufficient time to allow actual or prospective bidders, offerors, or contractors to submit a bid or otherwise appropriate response.

(4) (A) Any competitive bid submitted to a school district in response to a solicitation for bids for the purchase of a commodity shall be accompanied by a form substantially similar to the following that is signed and notarized by the agent of the bidder:

(B) Any person determined to have made a false statement on the form prescribed by subdivision (a)(4)(A) of this section or any bidder who acts contrary to the provisions of the form after its agent has executed the form shall be guilty of a Class C misdemeanor.

(5) (A) Any actual or prospective bidder, offeror, or contractor who is aggrieved in

connection with the solicitation or award of a school district contract may protest to the superintendent of the school district in accordance with procedures established by the board of directors of the school district.

(B) Protest procedures shall include, at a minimum, provisions addressing the following:

(i) The superintendent's authority to settle and resolve a protest of an aggrieved person concerning the solicitation or award of a contract;

(ii) Submission of a protest in writing within seven (7) calendar days after the aggrieved person knows or should have known of the facts giving rise to the protest;

(iii) The provision of reasonable notice to all persons involved and reasonable opportunity for those persons to respond to the protest issues;

(iv) The issuance of a prompt decision in writing that states the reasons for the action taken which is provided to all interested parties;

(v) The impact of a protest on continuing with the solicitation or award of the school district contract pending the resolution of the protest; and

(vi) The award of costs with regard to successful protests.

(C) A decision on a protest under this section shall be final and conclusive.

(b) (1) The local school board of directors shall have exclusive jurisdiction for the purchase of Types A, B, C, and D school buses.

(2) The Commission for Arkansas Public School Academic Facilities and Transportation shall have responsibility for drawing up the minimum specifications for all school buses.

(3) An advisory committee made up of ten (10) school administrators representing all sizes of schools and all areas of the state shall assist the department in drawing up specifications for school buses.

(4) (A) A local school board of directors may request the State Procurement Director to solicit bids for school buses on its behalf.

(B) If a request is made, the Office of State Procurement shall take bids from all school bus body and chassis manufacturers doing business in Arkansas.

(5) If a local school board of directors chooses to purchase school buses other than through the office, the board of directors shall forward no later than twenty (20) days after the bid award the following documents to the office:

(A) A copy of all the bid specifications;

(B) A list of invited bidders;

(C) Copies of all correspondence sent out by the school district to bidders and all correspondence received by the school district from bidders;

(D) A complete bid tabulation; and

(E) A copy of the bid award.

(c) For the purposes of this section:

(1) A "Type A school bus" is a conversion or body constructed upon a van-type compact truck or a front-section vehicle with a gross weight rating of ten thousand pounds (10,000 lbs.) or less and designed for carrying more than ten (10) persons;

(2) A "Type B school bus" is a conversion or body constructed and installed upon a van or front-section vehicle chassis or stripped chassis with a vehicle weight rating of more than ten thousand pounds (10,000 lbs.) and designed for carrying more than ten (10) persons. Part of the engine is beneath or behind the windshield and beside the driver's seat. The entrance door is behind the front wheels;

(3) A "Type C school bus" is a body installed upon a flat back cowl chassis with a gross vehicle weight rating of more than ten thousand pounds (10,000 lbs.) and designed for carrying more than ten (10) persons. All of the engine is in front of the windshield. The entrance door is behind the front wheels; and

(4) A "Type D school bus" is a body installed upon a chassis with the engine mounted in the front, midship, or rear with a gross vehicle weight rating of more than ten thousand pounds (10,000 lbs.) and designed for carrying more than ten (10) persons. The engine may be behind the windshield and beside the driver's seat, at the rear of the bus, behind the rear wheels, or midship between the front and rear axles. The entrance door is ahead of the front wheels. **(2)** An electronic warning device as defined under § 6-19-125.

6-21-306. Used school bus -- Defined -- Purchase.

(a) (1) For the purposes of this section, a school bus becomes a used school bus two (2) years after the date of issuance of the manufacturer's certificate of origin.

(2) If the body of the school bus is installed by an entity other than the manufacturer of the chassis, the school bus becomes a used school bus two (2) years after the date of issuance of the manufacturer's certificate of origin issued by the entity that installed the body on the chassis.

(b) Notwithstanding any other law to the contrary, used school buses purchased by public

school districts in this state shall not be subject to the jurisdiction of the State Procurement Director nor any competitive bidding procedures prescribed by law.

6-21-609. Prohibition against smoking or use of tobacco or tobacco products.

(a) Smoking or use of tobacco or products containing tobacco in any form in or on any property owned or leased by a public school district, including school buses, is prohibited.

(b) A copy of this statute shall be posted in a conspicuous location at every entrance to each building owned or leased by a public school district and every school bus used to transport public school students.

(c) Any person violating the provisions of this section shall be guilty of a violation and upon conviction shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100).

27-51-1001. Penalty.

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

(ii) In addition to the penalties so prescribed, the court may order community service for not more than four hundred (400) hours and shall suspend the person's driver's license for a period of not less than twenty-one (21) days nor more than one (1) year.

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

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

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

27-51-1002. Specifications for identification and safety devices.

(a) (1) All vehicles used for the transportation of pupils to or from any school shall have

a sign on the front and on the rear of the vehicle showing the words "SCHOOL BUS", and the words shall be plainly readable in letters not less than eight inches (8") in height.

(2) When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school, all markings thereon indicating "SCHOOL BUS" shall be covered or concealed.

(b) Every school bus shall be in the color officially designated by the State Board of Education.

(c) (1) (A) The board is vested with full authority and responsibility to prescribe by regulation the number and location and other specifications for alternating red warning lights on school buses operated in this state.

(B) Alternating red warning lights shall be operating at all times when the buses are loading or unloading school children but at no other time.

(2) It shall be the duty of the operator of every school bus operated in this state to conduct an inspection before each trip begins to see that all identification and safety devices required by this section or required by regulation of the board are displayed on the vehicle in the manner required, and it is unlawful for any person to operate a school bus in this state unless identification and safety devices are properly displayed and in proper working order.

27-51-1003. Loading points.

(a) School bus drivers shall stop school buses in the right-hand traffic lane at loading points where school children cross the highway in the process of loading or unloading and at loading points where the shoulder of the road is so narrow that pulling to the shoulder is unsafe or impractical.

(b) At loading points where no children cross the highway in the process of loading or unloading and where there is a sufficient and safe area at the right to remove the school bus completely from the highway, school bus drivers shall remove the school bus from the highway for loading or unloading.

27-51-1004. Passing when stopped prohibited.

(a) When a school bus stops and displays its alternating red warning lights for the purpose of loading or unloading passengers, every operator of a motor vehicle or motorcycle meeting or overtaking the school bus from any direction shall bring the motor vehicle or motorcycle to a complete stop before reaching the school bus.

(b) The operator of the motor vehicle or motorcycle shall not start up or attempt to pass in

any direction until the school bus vehicle has finished receiving or discharging its passengers and is in motion again.

27-51-1005. Operation on multiple lane or divided highways.

(a) For the purpose of this section, "multiple lane highway" means a road with four (4) or more traffic lanes and with no fewer than two (2) traffic lanes for traveling in each direction.

(b) If the school bus is operated on a multiple lane highway divided by a parkway or dividing strip of twenty feet (20') or more in width and if the school bus is on the opposite side of the parkway or dividing strip, then the driver of the approaching vehicle need not stop but shall proceed with due caution for the safety of the children.

(c) (1) If a school bus route includes bus stops on a multiple lane highway, the route shall be designed to ensure that the bus operator shall always load and unload passengers in a manner that does not require a student to cross the highway.

(2) A student being loaded or unloaded at a bus stop on a multiple lane highway shall always be loaded and unloaded in a manner that does not require the student to cross the highway.