



State of Wisconsin
2023 - 2024 LEGISLATURE

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2023 ASSEMBLY BILL 1071

February 7, 2024 - Introduced by Representatives S. JOHNSON, PENTERMAN and MURPHY, cosponsored by Senator JAMES. Referred to Committee on Transportation.

1 **AN ACT** *to renumber* 346.485 (2); *to renumber and amend* 346.49 (3); *to*
2 *amend* 346.485 (3) and 346.485 (4) (a); and *to create* 85.56, 346.485 (2) (bm),
3 346.49 (3) (b), 346.496, 814.75 (28), 814.78 (13) and 814.79 (11) of the statutes;
4 **relating to:** a school bus camera grant program, a school bus safety camera
5 surcharge, owner liability for illegally passing a school bus, and providing a
6 penalty.

Analysis by the Legislative Reference Bureau

This bill creates a school bus camera grant program, imposes a school bus safety camera surcharge for certain offenses, and allows the use of photographic or video information to support the issuance of citations for certain traffic violations related to failure to stop for a school bus that is displaying flashing red warning lights.

Under the bill, DOT must establish and administer a school bus camera grant program. Under the program, DOT awards two types of grants to school districts for school bus camera systems cameras and associated image capture and storage components (camera systems) used for the purpose of capturing evidence of school bus passing violations. The first type of grant may be used only for the acquisition and installation of school bus camera systems. For these grants, DOT must prioritize providing at least one grant to each applicant school district and equipping the largest number of school buses with camera systems. The second type of grant may be used for maintenance or replacement of camera systems installed on school buses

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or for the acquisition or installation of camera systems on school buses. Grants under either program may not exceed \$5,000 for each school bus to be equipped with a camera or for each school bus equipped with a camera system to be maintained or replaced and may not exceed 90 percent of the cost of the project for which the grant is made.

Current law generally requires the driver of a vehicle approaching a school bus that is stopped on a highway and that is displaying flashing red warning lights to stop the vehicle not less than 20 feet from the bus and to remain stopped until the bus resumes motion or the school bus operator extinguishes the flashing red warning lights.

Current law also imposes liability on the owner of a vehicle that fails to stop as required for a school bus displaying flashing red warning lights (failure-to-stop violation). If a school bus operator observes a failure-to-stop violation, the school bus operator may prepare a written report that includes specified information. Within 24 hours after the violation, the school bus operator may deliver this report to a traffic officer of the county or municipality in which the failure-to-stop violation occurred. Within 48 hours after receiving the report, the traffic officer may prepare a uniform traffic citation for the owner of the vehicle that failed to stop.

Under this bill, if a school bus is equipped with a photographic or video system and the owner or operator of the bus believes that a failure-to-stop violation is demonstrated by a recording made by the photographic or video system, the owner or operator may prepare and deliver a report to a traffic officer of the county or municipality in which the failure-to-stop violation occurred. The officer may then prepare a uniform traffic citation for the owner of the vehicle that failed to stop.

This bill also extends the period in which a report of a failure-to-stop violation may be made from 24 hours after the violation to 72 hours after the violation and extends the period in which a traffic officer may prepare a traffic violation from 48 hours after receiving a report to five days after receiving a report.

In general, it is not a defense to owner liability that the owner of the vehicle was not operating the vehicle at the time of the violation. Current law, however, provides several defenses for imposing liability for which the identity of the party operating the vehicle is a relevant consideration, including a defense under which the owner has provided a traffic officer with the name and address of the person operating the vehicle at the time of the violation and the person admits to operating the vehicle at the time of the violation. This bill mitigates the applicable penalty if the state is unable to demonstrate that the owner was operating the vehicle at the time of the violation. Specifically, if the state is unable to make this showing, the minimum and maximum forfeiture amounts are half of the minimum and maximum forfeiture amounts that would otherwise be imposed.

This bill also creates a school bus safety camera surcharge. Under the bill, each person who is convicted of a failure-to-stop violation must pay a \$200 surcharge in addition to any forfeiture and other surcharges, fees, and costs imposed as a result of the violation.

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For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 85.56 of the statutes is created to read:

2 **85.56 School bus camera grant program.** (1) In this section, “camera
3 system” means a video camera and any other component necessary to facilitate the
4 capture and storage of images captured by the video camera.

5 (2) (a) The department shall establish and administer a school bus camera
6 grant program. Subject to sub. (3), the department shall award the following grants:

7 1. To school districts for the acquisition and installation of camera systems
8 installed on school buses for the purpose of capturing images of violations of s. 346.48
9 or 346.485.

10 2. To school districts for the maintenance or replacement of camera systems
11 installed on school buses for the purpose of capturing images of violations of s. 346.48
12 or 346.485 or for the acquisition or installation of camera systems installed on school
13 buses for the purpose of capturing images of violations of s. 346.48 or 346.485.

14 (b) The department shall prescribe the form, nature, and extent of information
15 that shall be contained in applications for grants under this section and, subject to
16 sub. (3), shall establish criteria for evaluating applications and for awarding grants
17 under this section.

18 (3) (a) 1. The amount of a grant under sub. (2) may not exceed \$5,000 for each
19 school bus to be equipped with a camera system or for each school bus equipped with
20 a camera system to be maintained or replaced.

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1 2. A grant under sub. (2) may not exceed 90 percent of the cost of the project
2 for which the grant is made.

3 (b) 1. The department shall award grants under sub. (2) only to applicants who
4 agree to use the grant money for camera systems installed in such a manner so as
5 to facilitate the capture of images with sufficient information to allow the citation of
6 persons who violate s. 346.48 or 346.485.

7 2. Upon request, the department shall provide assistance to school districts in
8 the selection, location, and installation of camera systems on school buses so as to
9 facilitate the capture of images with sufficient information to allow the citation of
10 persons who violate s. 346.48 or 346.485.

11 (c) In awarding grants under sub. (2) 1., the department shall prioritize the
12 following:

13 1. Providing at least one grant to each applicant school district.

14 2. Equipping the largest number of school buses with camera systems that
15 satisfy the requirements of par. (b).

16 (d) Any school district receiving its first grant under sub. (2) (a) 1. shall ensure
17 that the school bus equipped using the grant money is equipped with a camera
18 system that includes cameras capturing images in the bus's direction of travel and
19 opposite to the bus's direction of travel on both the left and right sides of the bus.

20 **SECTION 2.** 346.485 (2) of the statutes is renumbered 346.485 (2) (am).

21 **SECTION 3.** 346.485 (2) (bm) of the statutes is created to read:

22 346.485 (2) (bm) If an owner or operator of a school bus believes that a violation
23 of s. 346.48 (1) is demonstrated by a recording made by a photographic or video
24 system equipped to the school bus, the owner or operator may prepare a report
25 indicating that a violation has occurred. The report shall include a copy of the

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1 recording that the owner or operator believes demonstrates a violation of s. 346.48
2 (1).

3 **SECTION 4.** 346.485 (3) of the statutes is amended to read:

4 346.485 (3) Within ~~24~~ 72 hours after ~~observing the observation of~~ the violation,
5 for a report under sub. (2) (am), or within 72 hours after the recording of the violation,
6 for a report under sub. (2) (bm), the school bus operator or owner may deliver the a
7 report under sub. (2) to a traffic officer of the county or municipality in which the
8 violation occurred. A report ~~which~~ under sub. (2) (am) that does not contain all the
9 information in sub. (2) (am) 1. to 3. or a report under sub. (2) (bm) that does not
10 provide sufficient information to allow the issuance of a traffic citation shall
11 nevertheless be delivered and shall be maintained by the county or municipality for
12 statistical purposes.

13 **SECTION 5.** 346.485 (4) (a) of the statutes is amended to read:

14 346.485 (4) (a) Within ~~48 hours~~ 5 days after receiving a report under sub. (2)
15 (am) containing all the information in sub. (2) (am) 1. to 3. or a report under sub. (2)
16 (bm) that provides sufficient information to allow the issuance of a traffic citation,
17 the traffic officer may prepare a uniform traffic citation under s. 345.11 and may
18 personally serve it upon the owner of the vehicle.

19 **SECTION 6.** 346.49 (3) of the statutes is renumbered 346.49 (3) (a) and amended
20 to read:

21 346.49 (3) (a) ~~A~~ Except as provided under par. (b), a vehicle owner or other
22 person found liable under s. 346.485 or 346.457 may be required to forfeit not less
23 than \$30 nor more than \$300.

24 (c) Imposition of liability under s. 346.485 or 346.457 shall not result in
25 suspension or revocation of a person's operating license under s. 343.30, nor shall it

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1 result in demerit points being recorded on a person's driving record under s. 343.32
2 (2) (a).

3 **SECTION 7.** 346.49 (3) (b) of the statutes is created to read:

4 346.49 (3) (b) Notwithstanding s. 346.485 (5) (a), if the state cannot
5 demonstrate that the owner was operating the vehicle at the time the violation under
6 s. 346.485 occurred, the minimum and maximum forfeitures under par. (a) are
7 halved.

8 **SECTION 8.** 346.496 of the statutes is created to read:

9 **346.496 School bus safety camera surcharge. (1)** If a court imposes a fine
10 or a forfeiture for a violation of s. 346.48 or 346.485, or a local ordinance in conformity
11 therewith, it shall impose a school bus safety camera surcharge under ch. 814 in an
12 amount of \$200.

13 (2) (a) Except as provided in par. (b), the clerk of court shall collect and transmit
14 the amount of the school bus safety camera surcharge under sub. (1) to the county
15 treasurer as provided in s. 59.40 (2) (m). The county treasurer shall then make
16 payment to the secretary of administration as provided in s. 59.25 (3) (f) 2.

17 (b) If the forfeiture is imposed by a municipal court, the court shall transmit
18 the amount of the school bus safety camera surcharge under sub. (1) to the treasurer
19 of the county, city, town, or village, and that treasurer shall make payment to the
20 secretary of administration as provided in s. 66.0114 (1) (bm).

21 (c) The secretary of administration shall deposit all amounts received under
22 this subsection in the general fund.

23 **SECTION 9.** 814.75 (28) of the statutes is created to read:

24 814.75 (28) The school bus safety camera surcharge under s. 346.496.

25 **SECTION 10.** 814.78 (13) of the statutes is created to read:

