

1977 Senate Bill 110

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**CHAPTER 5, Laws of 1977**

AN ACT to amend 340.01 (56) (a) 2 and 3; to repeal and recreate 340.01 (56) (b) 2; and to create 340.01 (56) (b) 5 and 6 and 346.96 of the statutes, relating to various changes in the laws concerning school busses.

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

SECTION 1. 340.01 (56) (a) 2 and 3 of the statutes are amended to read:

340.01 (56) (a) 2. School groups engaged in extracurricular or curricular activities of such public or private schools to or from points designated by such schools;

3. ~~Children~~ Minors to or from religious instruction on days when school is in session; or

SECTION 2. 340.01 (56) (b) 2 of the statutes is repealed and recreated to read:

340.01 (56) (b) 2. A motor vehicle transporting fewer than 10 persons including the operator used in transportation within par. (a) arranged by or among parents or guardians of persons being transported.

SECTION 3. 340.01 (56) (b) 5 and 6 of the statutes are created to read:

340.01 (56) (b) 5. An automobile or station wagon used to provide pupil transportation in compliance with s. 346.96.

6. A motor vehicle used by a school nurse or other school employe for the purpose of transporting a minor home or to a medical treatment facility in cases involving illness or injury.

SECTION 4. 346.96 of the statutes is created to read:

**346.96 Pupil transportation in automobiles or station wagons.** (1) An automobile or station wagon that is not owned or leased by a school or a school bus contractor and that is not designed or constructed as a van may transport 10 persons or less including the operator for the purposes specified in s. 340.01 (56) (a) 2 to 4:

(a) If the vehicle is insured by a policy providing property damage coverage with a limit of not less than \$5,000, and bodily injury liability coverage with limits of not less than \$15,000 for each person, and, subject to the limit for each person, a total limit of not less than \$40,000 for each accident.

(2) If the vehicle is owned or leased by a school or a school bus contractor, then:

(a) The vehicle shall be inspected annually by the division of motor vehicles or a certified law enforcement officer for compliance with ss. 110.075 and 121.53 and ch. 347 and rules promulgated thereunder and any equipment defects shall be corrected; and

(b) The school shall determine that the operator:

1. Possesses a valid operator's license.

2. Is between 18 and 70 years of age.

3. Has sufficient use of both hands and the foot normally employed to operate the foot brake and foot accelerator. Such use may be substantiated by a medical opinion.

4. Submits at least once every 3 years to the school a medical opinion in such form as the school may prescribe that the operator is not afflicted with or suffering from any mental or physical disability or disease such as to prevent the operator from exercising reasonable control over a motor vehicle. The examination report prescribed in s. 118.25 (2) and (4) may be used to satisfy this requirement.

5. Has not been convicted of reckless driving under s. 346.62, operating a motor vehicle while under the influence of an intoxicant or of a controlled substance under s. 346.63 (1) (a), or any of the offenses enumerated under s. 343.31 (1), within a 2-year period. Upon request of the operator or school, the division shall certify whether the operator meets this requirement;

(3) If the operator of the vehicle is an employe of the school and the operator complies with sub. (2) (b), then even if the vehicle is not owned or leased by the school, the vehicle may be used for pupil transportation under this section; and

(4) If the automobile or station wagon does not transport more persons than can be seated on the permanently mounted seats without interfering with the operator.

(5) In this section “school” means the school board or other governing body in the case of a private school.

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