

1983 Assembly Bill 480

Date of enactment: **March 22, 1984**
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1983 Wisconsin Act 175

AN ACT *to repeal* 341.065, 346.96, 346.97 (title), 346.97 (2) (a) 2, 346.97 (3) (c) and (d), 346.97 (4) (title), 346.97 (4) (b) and 347.44 (6); *to renumber* 110.06 (1); *to renumber and amend* 346.97 (1), 346.97 (2) (title), 346.97 (2) (b), 346.97 (3) (title), (a), (b) and (e) and 346.97 (4) (a); *to consolidate, renumber and amend* 346.97 (2) (a) (intro.) and 1; *to amend* 110.075 (2) and (7), 341.25 (1) (k), 343.12 (2) (g), 346.95 (1) and 347.44 (1) (intro.) and (c); *to repeal and recreate* 110.06 (3) (b) to (d), 121.54 (7) (a) 1, 340.01 (56), 341.26 (2) (d) and (dm) and 347.44 (2) to (5); and *to create* 85.16 (title) and (2), 110.05 (3), 110.06 (3) (e), 121.555, 340.01 (23g), 346.49 (4) and 346.94 (14) of the statutes, *relating to* transportation of pupils and other persons in school buses or other vehicles and transportation of elderly or handicapped persons in human service vehicles and providing penalties.

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

SECTION 1. 85.16 (title) and (2) of the statutes are created to read:

85.16 (title) Department rules and forms.

(2) Any person violating an order, determination or rule adopted under chs. 84 to 86, 110, 114, 218 and 341 to 349 and not subject to another statutory penalty shall be required to forfeit not less than \$20 nor more than \$400.

SECTION 2. 110.05 (3) of the statutes is created to read:

110.05 (3) Vehicles required to be inspected under sub. (2) which were in service prior to the effective date of this subsection (1983), need only be in compliance with the requirements of ch. 347, 1981 stats.

SECTION 3. 110.06 (1) of the statutes is renumbered 85.16 (1).

SECTION 4. 110.06 (3) (b) to (d) of the statutes are repealed and recreated to read:

110.06 (3) (b) Prior to the use of a motor vehicle as a school bus, the seller shall obtain a presale inspection of the vehicle by the department verifying compliance with the rules relating to design and construction prescribed by the department under sub. (2). A copy of the presale inspection report shall be provided to the purchaser at the time of delivery.

(c) The seller of any such vehicle who fails to obtain a presale inspection prior to delivery shall be liable to the purchaser for all repairs and improvements required by the department to bring the vehicle into compliance with the rules relating to design and construction prescribed by the department under sub. (2) for a period of one year after the delivery.

(d) Notwithstanding par. (b), the purchaser may agree to obtain the presale inspection provided that notice of the agreement is included in the offer to purchase and is agreed to by the seller. The seller is liable for any repairs and improvements necessary to comply with the rules relating to design and construction prescribed by the department under sub. (2).

SECTION 5. 110.06 (3) (e) of the statutes is created to read:

110.06 (3) (e) Any person violating par. (b) shall forfeit \$100 for the first offense and \$200 for the 2nd and each subsequent offense.

SECTION 6. 110.075 (2) and (7) of the statutes are amended to read:

110.075 (2) When directed by any traffic officer or motor vehicle inspector, the operator of any motor vehicle shall stop and submit such motor vehicle to an inspection and such tests as are necessary to determine whether it meets the requirements of this section, or that its equipment is not in proper adjustment or repair, or in violation of the equipment provisions of ss. 110.05 and 110.06, ch. 347, or rules issued pursuant thereto. Such inspection shall be made with respect to the brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust system, windshield wipers, tires, and other items of equipment designated by the secretary.

(7) Any person producing, manufacturing or using an inspection sticker or causing the same to be done to subvert the provisions of this section shall be fined or forfeit not less than \$100 nor more than \$500 ~~or imprisoned not more than 6 months or both~~. Any persons otherwise violating this section, s. 110.06, ch. 347 or rules issued pursuant thereto, unless otherwise provided by statute, shall be fined or forfeit not less than \$10 nor more than \$200 ~~or imprisoned not more than 30 days or both~~.

SECTION 7. 121.54 (7) (a) 1 of the statutes is repealed and recreated to read:

121.54 (7) (a) 1. A school bus or motor bus or a motor vehicle under s. 121.555 (1) (a) is used and such transportation is under the immediate supervision of a competent adult employe of the school district.

SECTION 8. 121.555 of the statutes is created to read:

121.555 Alternative methods of providing transportation. (1) A school board or the governing body of a private school may provide pupil transportation services by the following alternative methods:

(a) A motor vehicle transporting 9 or less passengers in addition to the operator.

(b) A motor vehicle transporting 10 or more passengers in addition to the operator and used temporarily to provide transportation for purposes specified under s. 340.01 (56) (a) when the school board or the governing body requests the secretary of transportation to determine that an emergency exists because no regular transportation is available. The secretary of transportation shall approve or deny the request in writing. Any authorization granted under this paragraph shall specify the purpose and need for the emergency transportation service.

(2) The school board or governing body of a private school shall determine that any motor vehicle used under sub. (1) complies with the following conditions:

(a) *Insurance.* If the vehicle is owned or leased by a school or a school bus contractor, or is a vehicle authorized under sub. (1) (b), it shall comply with s. 121.53. If the vehicle is transporting 9 or less persons in addition to the operator and is not owned or leased by a school or by a school bus contractor, it shall be insured by a policy providing property damage coverage with a limit of not less than \$10,000 and bodily injury liability coverage with limits of not less than \$25,000 for each person, and, subject to the limit for each person, a total limit of not less than \$50,000 for each accident.

(b) *Inspection.* The motor vehicle shall be inspected annually for compliance with the requirements of s. 110.075, ch. 347, and the rules of the department of transportation. The owner or lessee of the vehicle is responsible for the annual inspection.

(c) *Operator requirements.* The operator:

1. Shall possess a valid Wisconsin operator's license.
2. Shall be at least 18 years of age.
3. Shall have sufficient use of both hands and the foot normally employed to operate the foot brake and foot accelerator. The department of transportation may require substantiation of such use by a driving examination conducted by the department or by a medical opinion.

4. Shall submit 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. May not be a person 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), or any of the offenses enumerated under s. 343.31 (1), within a 2-year period. Upon request of the operator or school, the department shall certify whether the operator meets this requirement.

(d) *Seating requirements.* The vehicle may not be used to transport more persons than can be seated on the permanently mounted seats facing forward without interfering with the operator.

SECTION 9. 340.01 (23g) of the statutes is created to read:

340.01 (23g) "Human service vehicle":

(a) Means a motor vehicle used for the purpose of transporting handicapped persons as defined in s. 85.21 (2) (e) or elderly persons as defined in s. 85.22 (2) (b) in connection with any transportation assistance program for elderly or handicapped persons.

(b) Does not include:

1. A motor vehicle performing transportation services under par. (a) provided by a volunteer. Under this subdivision, "volunteer" includes a person who may receive an allowance to defray vehicle operating costs but does not include a person who receives compensation for his or her time for operating the vehicle.

2. A motor vehicle operated in an urban mass transit system as defined in s. 85.20 (1) (e) and (f) or as a taxicab service or as a common carrier of passengers.

3. A school bus used for transportation under s. 120.13 (27) or 341.26 (7).

SECTION 10. 340.01 (56) of the statutes is repealed and recreated to read:

340.01 (56) "School bus":

(a) Means a motor vehicle which carries 10 or more passengers in addition to the operator or a motor vehicle painted in accordance with s. 347.44 (1) for the purpose of transporting:

1. Pupils to or from a public school as defined in s. 115.01 (1) or a private school as defined in s. 121.51 (3) or pupils to or from a vocational, technical or adult education school when required under s. 118.15 (1).

2. Pupils to or from curricular or extracurricular activities.

3. Pupils to or from religious instruction on days when school is in session.

4. Children as defined under s. 115.76 (2) with exceptional educational needs of a type specified under s. 115.76 (3) (a) to (g) to or from an educational program approved by the department of public instruction.

(b) Does not include:

1. A motor vehicle owned or operated by a parent or guardian transporting only his or her own children, regardless of whether a school has made a contract with or paid compensation to such parent or guardian for such transportation.

2. A motor vehicle operated as an alternative method of transportation under s. 121.555.

3. A motor bus operated for purposes specified in par. (a) 2.

4. A motor vehicle operated in an urban mass transit system as defined in s. 85.20 (1) (e) and (f).

SECTION 11. 341.065 of the statutes is repealed.

SECTION 12. 341.25 (1) (k) of the statutes is amended to read:

341.25 (1) (k) For each ~~motor vehicle operated in compliance with s. 346.97~~ human service vehicle, a fee equal to the fee for an automobile under par. (a).

SECTION 13. 341.26 (2) (d) and (dm) of the statutes are repealed and recreated to read:

341.26 (2) (d) A school bus owned and operated by a school district and used for the transportation of pupils to or from points designated by the school, including curricular and extracurricular activities and nonpupil transportation under s. 120.13 (27).

(dm) A school bus which is not owned and operated by a school district and which is used to transport pupils to or from points designated by the school, including curricular and extracurricular activities.

SECTION 14. 343.12 (2) (g) of the statutes is amended to read:

343.12 (2) (g) Has passed the physical examination required. Physical standards to be met may be established by the department ~~of public instruction~~.

SECTION 15. 346.49 (4) of the statutes is created to read:

346.49 (4) Any person violating s. 346.475 may be required to forfeit not less than \$50 nor more than \$200.

SECTION 16. 346.94 (14) of the statutes is created to read:

346.94 (14) TOWING BY BUSES OR HUMAN SERVICE VEHICLES. No person may operate a school bus or a human service vehicle over any public highway of this state with any trailer or semitrailer attached.

SECTION 17. 346.95 (1) of the statutes is amended to read:

346.95 (1) Any person violating s. 346.87, 346.88, 346.89 (2), 346.90 to 346.92 or 346.94 (1), (9), (10), (11) ~~or~~ (12) or (14) may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

SECTION 18. 346.96 of the statutes is repealed.

SECTION 19. 346.97 (title) of the statutes is repealed.

SECTION 20. 346.97 (1) of the statutes is renumbered 344.55, and 344.55 (title), (1) (intro.) and (f) and (2), as renumbered, are amended to read:

344.55 (title) Insurance for human service vehicles. (1) (intro.) No motor vehicle may be used as ~~provided under s. 340.01 (56) (b) 4 or 5~~ a human service vehicle unless a policy of bodily injury and property damage liability insurance, issued by an insurer authorized to transact business in this state, is maintained thereon. The policy shall provide property damage liability coverage with a limit of not less than ~~\$5,000~~ \$10,000. The policy also shall provide bodily injury liability coverage with limits of not less than \$75,000 for each person and, subject to such limit for each person, total limits as follows:

(f) ~~Not \$500,000 plus not less than \$10,000~~ for each accident for each passenger seat accommodation for each motor vehicle having a seating capacity of 50 or more passengers.

(2) The department ~~shall~~ may not issue registration plates for such a vehicle unless there is on file with the department a certificate of insurance showing that the vehicle is insured in compliance with ~~par. (a) sub. (1)~~. No such policy may be terminated prior to its expiration or canceled for any reason unless a notice thereof is filed with the department at least 30 days prior to the date of termination or cancellation. The department shall revoke the registration of a vehicle on which the insurance policy has been terminated or canceled, effective on the date of termination or cancellation.

SECTION 21. 346.97 (2) (title) of the statutes is renumbered 343.124 (title) and amended to read:

343.124 (title) Human service vehicle operator requirements.

SECTION 22. 346.97 (2) (a) (intro.) and 1 of the statutes are consolidated, renumbered 343.124 (1) and amended to read:

343.124 (1) No person may operate a ~~motor vehicle as provided under s. 340.01 (56) (b) 4 or 5~~ human service vehicle for compensation in excess of an allowance to defray vehicle operating costs unless the person has: ~~1. A valid chauffeur's license or a valid school bus operator's license if the vehicle is transporting only adults; or~~

SECTION 23. 346.97 (2) (a) 2 of the statutes is repealed.

SECTION 24. 346.97 (2) (b) of the statutes is renumbered 343.124 (2) and amended to read:

343.124 (2) Any person violating ~~par. (a) sub. (1)~~ may be required to forfeit not more than \$100.

SECTION 25. 346.97 (3) (title), (a), (b) and (e) of the statutes are renumbered 110.05 (title), (1), (2) and (4) and amended to read:

110.05 (title) Inspection of human service vehicles. (1) The department shall adopt and enforce such rules as the department deems necessary in the interests of the safety of persons being transported to cover the design, construction, equipment, inspection and operation of human service vehicles used as provided under s. 340.01 (56) (b) 4 or 5. ~~The safety standards adopted under this subsection shall be similar to the standards applicable to school busses unless a school bus standard is inconsistent with the purposes for which transportation is provided. A motor vehicle used as provided under s. 340.01 (56) (b) 4 or 5 is not required to be equipped with a stop signal arm.~~

(2) ~~Such vehicles~~ The owner of the human service vehicle shall be have the vehicle inspected at least annually by the department or a certified law enforcement officer for compliance with the requirements of s. 110.075, ch. 347 and any rules promulgated under this ~~subsection~~ section.

(4) Any person violating this ~~subsection~~ section, or rules promulgated pursuant thereto, may be required to forfeit not less than ~~\$40~~ \$50 nor more than \$200.

SECTION 26. 346.97 (3) (c) and (d) of the statutes are repealed.

SECTION 27. 346.97 (4) (title) of the statutes is repealed.

SECTION 28. 346.97 (4) (a) of the statutes is renumbered 346.475 and amended to read:

346.475 (title) Human service vehicles; loading or unloading handicapped children. No person who operates a human service vehicle ~~in the manner provided under s. 340.01 (56) (b) 5~~ may stop to load or unload passengers who are minors handicapped children unless the vehicle is entirely off the traveled portion of the roadway in an area where stopping, standing or parking is not prohibited and the minors children do not have to cross the roadway in order to be loaded or unloaded.

SECTION 29. 346.97 (4) (b) of the statutes is repealed.

SECTION 30. 347.44 (1) (intro.) and (c) of the statutes are amended to read:

347.44 (1) (intro.) All school busses ~~as defined in s. 340.01 (56) (a) 1 to 3 and all school busses which transport minors under s. 340.01 (56) (a) 4~~ shall be painted as follows:

(c) The words, "SCHOOL BUS", in black letters at least 8 inches high shall appear on both the front and rear of the upper body area or on a sign attached thereto.

SECTION 31. 347.44 (2) to (5) of the statutes are repealed and recreated to read:

347.44 (2) A motor vehicle described in s. 340.01 (56) (b) may, but need not, comply with sub. (1). If the motor vehicle complies with sub. (1), the vehicle shall comply with other regulations relating to school buses prescribed by the department by rule.

(3) No person may paint or in any way designate a motor vehicle in the manner described in sub. (1) except as expressly authorized by this section.

(4) When a motor vehicle in compliance with sub. (1), s. 347.25 (2), and the rules of the department relating to school bus equipment is no longer operated as a school bus, the registration of the motor vehicle for another purpose may not be permitted until the owner:

(a) Physically removes the signs identifying the vehicle as a school bus, the lights required by s. 347.25 (2) and such other equipment as the department may specify by rule; and

(b) Repaints the entire vehicle to a color other than national school bus glossy yellow or any color commonly referred to as yellow.

(5) A human service vehicle which is in compliance with sub. (1) prior to January 1, 1984, may continue to comply with sub. (1) and the rules of the department on school bus equipment while remaining in operation as a human service vehicle until January 1, 1987.

SECTION 32. 347.44 (6) of the statutes is repealed.

SECTION 33. **Cross-reference changes.** In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

A	B	C
Statute Sections	Old Cross-References	New Cross-References
110.07 (3)	ss. 346.96 and 346.97	s. 121.555 (2) (b)