

2019 DRAFTING REQUEST

Bill

For: **Sondy Pope (608) 266-3520** Drafter: **zwyatt**
 By: **Herself** Secondary Drafters:
 Date: **1/24/2019** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email: **Rep.Pope@legis.wisconsin.gov**
 Carbon copy (CC) to: **eric.mueller@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Passing school buses stopped on private roads or driveways

Instructions:

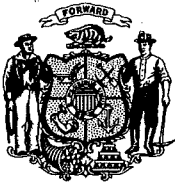
Redraft 2017 AB 245 (17-2230/1).

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	zwyatt 1/28/2019	wjackson 1/29/2019			
/P1			dwalker 1/29/2019		
/1			mbarman 10/1/2019	mbarman 10/1/2019	

FE Sent For: **<END>**

↳ Not Needed



WJ

2017 ASSEMBLY BILL 245

April 14, 2017 - Introduced by Representatives POPE, KOLSTE, ALLEN, CONSIDINE, CROWLEY, SPREITZER, SUBECK, BERCEAU, GENRICH, OHNSTAD, FIELDS and BOWEN, cosponsored by Senators MILLER, RISSER and ERPENBACH. Referred to Committee on Transportation.

1 **AN ACT to amend** 346.48 (1), 346.48 (2) (a) 1., 346.48 (2) (a) 2. c., 346.48 (2) (a)
2 3., 346.48 (2) (b) 1., 346.48 (2) (b) 2., 346.48 (2) (c), 346.48 (3) and 349.21 (1) of
3 the statutes; **relating to:** applicability to private roads and driveways of
4 certain rules of the road governing passing school buses.

Analysis by the Legislative Reference Bureau

This bill extends certain requirements applicable to motorists approaching a school bus to private roads and driveways.

Current law requires motorists who approach a school bus that is stopped on a public road and is displaying flashing red lights to stop their approaching vehicle not less than 20 feet from the bus and to remain stopped until the bus resumes motion or the bus driver extinguishes the flashing red warning lights. A motorist who violates this requirement may be required to forfeit not less than \$30 nor more than \$300. The owner or lessee of a vehicle that violates these requirements may be held liable for the violation under this state's "vehicle owner liability" law, under which a school bus driver who observes a violation may report the violation to police.

This bill extends these stopping requirements to private roads and driveways. A "private road or driveway" is every way or place in private ownership and used for vehicular travel only by the owner and those having express or implied permission from the owner, and every road or driveway upon the grounds of public institutions (other than public schools) or institutions under the jurisdiction of the county board of supervisors. Under the bill, any motorist who approaches a school bus that is stopped on a public road or on a private road or driveway must stop the vehicle not

ASSEMBLY BILL 245

less than 20 feet from the bus and must remain stopped until the bus resumes motion or the bus driver extinguishes the flashing red warning lights. The “vehicle owner liability” law applies to such violations committed on private roads or driveways. The bill also prohibits a school bus driver from displaying flashing red lights on a private road or driveway under circumstances where such a display would be prohibited on a public road.

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

1 **SECTION 1.** 346.48 (1) of the statutes is amended to read:

2 346.48 (1) The operator of a vehicle which approaches from the front or rear
3 any school bus which has stopped on a street ~~or~~, highway, or private road or driveway
4 when the bus is equipped according to s. 347.25 (2) and when it is displaying flashing
5 red warning lights, shall stop the vehicle not less than 20 feet from the bus and shall
6 remain stopped until the bus resumes motion or the operator extinguishes the
7 flashing red warning lights. The operator of any school bus which approaches from
8 the front or rear any school bus which has stopped and is displaying flashing red
9 warning lights shall display its flashing red lights while stopped. This subsection
10 does not apply to operators of vehicles proceeding in the opposite direction on a
11 divided highway or divided private road or driveway.

12 **SECTION 2.** 346.48 (2) (a) 1. of the statutes is amended to read:

13 346.48 (2) (a) 1. Except as provided in par. (b), the operator of a school bus
14 equipped with only flashing red warning lights as specified in s. 347.25 (2) shall
15 actuate the lights at least 100 feet before stopping to load or unload pupils or other
16 authorized passengers, and shall not extinguish the lights until loading or unloading
17 is completed and persons who must cross the highway or private road or driveway
18 are safely across.

19 **SECTION 3.** 346.48 (2) (a) 2. c. of the statutes is amended to read:

ASSEMBLY BILL 245

1 346.48 (2) (a) 2. c. After loading or unloading is completed and persons who
2 must cross the highway or private road or driveway are safely across, extinguish the
3 flashing red warning lights.

4 **SECTION 4.** 346.48 (2) (a) 3. of the statutes is amended to read:

5 346.48 (2) (a) 3. Where the curb and sidewalk are laid on one side of the road
6 or driveway only, the operator shall use the flashing red or flashing red and amber
7 warning lights when loading or unloading passengers from either side.

8 **SECTION 5.** 346.48 (2) (b) 1. of the statutes is amended to read:

9 346.48 (2) (b) 1. Special school bus loading areas where the bus is entirely off
10 the traveled portion of the highway or private road or driveway.

11 **SECTION 6.** 346.48 (2) (b) 2. of the statutes is amended to read:

12 346.48 (2) (b) 2. Residence or business districts when pupils or other authorized
13 passengers are to be loaded or unloaded where a sidewalk and curb are laid on both
14 sides of the road highway or private road or driveway, unless required otherwise by
15 municipal ordinance enacted under s. 349.21 (1).

16 **SECTION 7.** 346.48 (2) (c) of the statutes is amended to read:

17 346.48 (2) (c) When a school bus is being used on a highway or private road or
18 driveway for purposes other than those specified in s. 340.01 (56) (a) and (am), the
19 flashing red or amber warning lights shall not be used, and all markings on the front
20 and rear of the bus indicating it is a school bus shall be removed or completely
21 concealed; except that any time a motor vehicle is equipped as provided under ss.
22 347.25 (2) and 347.44 and is transporting children for any purpose, the school bus
23 markings may remain unconcealed and the flashing red or amber warning lights
24 may be used as provided in this section and when so used, sub. (1) applies to operators
25 of other motor vehicles.



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1622/P1
ZDW:wlj

No
change

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT to amend 346.48 (1), 346.48 (2) (a) 1., 346.48 (2) (a) 2. c., 346.48 (2) (a)
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Barman, Mike

From: LRB.Legal
To: Rep.Pope
Subject: Draft review: LRB -1622/1
Attachments: 19-1622/1

State of Wisconsin - Legislative Reference Bureau
One East Main Street - Suite 200 - Madison

The attached draft was prepared at your request. Please review it carefully to ensure that it satisfies your intent. If you have any questions concerning the draft or would like to have it redrafted, please contact Zachary Wyatt, Legislative Attorney, at (608) 504-5843, at zachary.wyatt@legis.wisconsin.gov, or at One East Main Street, Suite 200.

We will jacket this draft for introduction in the Assembly.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will submit a request to DOA when the draft is introduced. You may obtain a fiscal estimate on the draft prior to introduction by contacting our program assistants at LRB.Legal@legis.wisconsin.gov or at (608) 266-3561. If you requested a fiscal estimate on an earlier version of this draft and would like to obtain a fiscal estimate on the current version before it is introduced, you will need to request a revised fiscal estimate from our program assistants.

Please call our program assistants at (608) 266-3561 if you have any questions regarding this email.