

Chapter MVD 17

TRANSPORTATION OF SCHOOL CHILDREN

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History: Chapter MVD 17 as it existed on July 31, 1974 was repealed and a new Chapter MVD 17 was created Register, July, 1974, No. 223 effective August 1, 1974.

MVD 17.01 Definition. (1) (Statutory) "School bus" means a motor vehicle which transports children to or from a public or private school or which transports school groups engaged in extracurricular activities to or from points designated by such schools, but does not include:

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

(b) A vehicle having a seating capacity of fewer than 10 persons, including the operator, and used in casual, occasional or reciprocal transportation of school children and not under contract.

(c) Buses operated by a common motor carrier of passengers used in urban transportation of school children, or when used in extracurricular activities to and from points designated by a school.

Note: (This is a direct quote of section 340.01 (56) Wis. Stats. as amended by 1959 Legislature.)

(2) These minimum standards are intended to apply to all types of school buses:

(a) Type 1 school buses: means any school bus transporting 17 or more pupils or other authorized persons exclusive of driver.

(b) Type 2 school buses: means any school bus transporting 16 or less pupils or other authorized persons exclusive of driver:

(c) School van: means any school bus having a seating capacity of 13 or less pupils or other authorized persons exclusive of driver.

Note: The method of determining whether a small passenger vehicle is in the school van or type 2 class is provided in Section 340.01 (31). Wisconsin Statutes which states as follows: (31) "Motor bus" means a motor vehicle designed primarily for the transportation of persons rather than property and having a passenger-carrying capacity of 10 or more persons including the operator. Passenger-carrying capacity shall be determined by dividing by 20 the total seating space measured in inches.

The total seat measurement is determined by measuring all the seats, including the driver's seat, from side to side across the widest part of the area upon which the passengers sit and adding these measurements. This total is then divided by 20, and if the result is less than 10, the vehicle is in the school van class. If it is 10 or over, the vehicle is a type 2 bus.

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However, since the minimum rump space for pupils is established at 13" it is obvious that for purposes of pupil transportation more than 9 pupils can be seated in a school bus van.

To determine the number of pupils which can be transported we must subtract 20" from the total seat measurement to take care of the driver's seat and then divide the remainder by 13".

Example #1: School van

A vehicle is converted to school bus use and has 6 seats each 26" wide exclusive of the driver's seat. The total measurement of the 6 seats would be 156". Dividing this figure by 13" would result in 12 which would be the maximum number of pupils which could be transported.

If these seats were each 4" wider the total measurement would be 180". However, the vehicle could still haul only 12 children because at least 13" of the extra 20" would have to be in one seat to accommodate one more passenger.

Example #2: Type 2 bus.

If the vehicle in example 1 had been converted with 8 seats each 26" wide the total seat measurement, exclusive of the driver's seat, would be 208". Dividing this figure by 13" would result in 16 pupils which would be the maximum for this vehicle.

History: Cr. Register, July, 1974, No. 223, eff. 8-1-74.

Subchapter I

DRIVER REQUIREMENTS

MVD 17.10 Driver requirements. (1) **SCHOOL BUS OPERATOR'S LICENSE.** No person shall drive a school bus transporting pupils or other authorized passengers without first having applied for and received a school bus driver's license or a license endorsed to authorize school bus operation or a driver license examiner's receipt. The law prohibits issuance of a school bus driver's license to any person who is less than 18 or more than 70 years of age.

(2) **PHYSICAL QUALIFICATIONS.** No person may be issued a school bus operator's license unless the person meets the physical standards established by the department of public instruction.

(3) **SMOKING.** The driver shall not smoke or permit smoking when any children are aboard the bus.

(4) **MAINTAINING ORDER.** Driver shall be responsible for the maintenance of order among children being transported. Misconduct shall be promptly reported to proper authority.

(5) **CHECKING VEHICLE.** Driver shall check daily the condition of the vehicle, giving particular attention to brakes, tires, lights, emergency equipment and interior cleanliness of the vehicle. Defects shall be corrected and, if necessary, the interior of the bus cleaned before the next school bus operation.

(6) **CONDUCT IN EVENT OF ACCIDENT.** In case of an accident or a breakdown, the driver shall remain with the vehicle and send 2 responsible children to the nearest place for help, when practicable.

(7) **LOADING AND UNLOADING PROCEDURE.** Loading stations or points must be selected with due regard for traffic and pedestrian safety, and shall be approved by school authorities. When flashing red warning lights are used as required by section 346.48 Wis. Stats., they shall be actuated continuously at least 100 feet before stopping. Except where there are special loading zones where the bus is entirely off the

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traveled portion of the highway, the bus shall be stopped on the traveled portion of the highway as near as practicable to the right hand edge of that portion of the lane farthest to the right which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder. The flashing red warning lights shall not be extinguished until loading or unloading is completed and persons who must cross the highway are safely across.

(8) **STARTING AND STOPPING.** Doors must be closed securely before starting and must remain closed while vehicle is in motion, except as provided in subsection (15). Abrupt starts and stops or sudden maneuvers are prohibited, except in emergency.

(9) **UNATTENDED VEHICLE.** Driver shall not leave vehicle unattended with engine running when pupils are in the bus.

(10) **AUTHORIZED PASSENGERS.** No persons except pupils, school employees, chaperones and other persons approved by the school authorities shall be permitted to ride in a vehicle subject to these regulations; provided that school board members or an authorized official making an inspection, or conducting an examination of the driver's ability shall be given such privilege. Transportation of passengers in excess of the number posted as required in Wis. Adm. Code section MVD 17.20 (22) (b) is prohibited.

(11) **TRANSPORTATION OF ARTICLES.** No articles may be transported within bus body if there is or may be interference with pupils or driver or if aisle, well, or steps are obstructed. Articles other than those associated with school activity may not be transported.

(12) **CHILDREN CROSSING ROAD.** When discharging passengers, driver shall make sure that there is no traffic danger before allowing children to cross. Children obliged to cross the road shall be required to cross from a point at least 10 feet in front of the standing vehicle after receiving a signal from the driver, and the driver shall not proceed until children are safely across the street or highway. This section applies only where flashing red signals are used.

(13) **COOPERATION WITH OFFICERS.** Drivers, school boards and vehicle owners shall cooperate at all times with authorized division of motor vehicles personnel in carrying out inspection of equipment, or examination of driver pursuant to law or to divisional regulations.

(14) **STANDING IN VEHICLE PROHIBITED.** Driver shall not require or allow any passenger to stand while the vehicle is in motion except while passenger is going to door or seat just prior to stopping or immediately after loading. This does not apply to chaperones or monitors in the performance of their duties. Driver shall not permit any passenger to sit anywhere except in seats provided.

(15) **STOPPING AT RAILROAD CROSSINGS.** When a bus is carrying school children the driver shall come to a full stop at a distance of not less than 15 feet nor more than 50 feet from the nearest rail of the main line tracks of such railroad. While the vehicle is so stopped, the driver shall open the service door and listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train. After stopping and upon proceeding when it is safe to do so, the driver of such vehicle shall cross only in such gear of the vehicle as will make it unnecessary to

manually shift gears while traversing the crossing and he shall not shift gears while traversing the crossing. The door shall remain open until the driver can satisfactorily determine that he can cross in safety. By the time the bus has cleared the tracks, the door shall be closed. If the bus is a school van not equipped with a service door controlled from the driver's seat, opening of the service door is not required provided the driver lowers the window to his left and provided that the service door glass is kept free of frost and fog. This section does not apply at crossings with interurban railroad tracks which are laid on or along streets within the corporate limits of a city or village, nor to vehicles having a seating capacity of fewer than 10 persons (less than 200" seating capacity) and which are not painted school bus yellow.

(16) **SPEED LIMITATIONS.** No vehicle subject to the provisions of Wis. Adm. Code chapter MVD 17 shall be driven at a speed in excess of 45 miles per hour while transporting school children except that:

(a) When engaged in transporting children to and from extracurricular activities, the speed of the vehicle shall not exceed 50 miles per hour, except that when operating on the national system of interstate and defense highways, the speed limit may not exceed the posted truck speed limit at any time.

(b) Vehicles having a seating capacity of less than 200" counting the driver's seat, may not be driven in excess of 55 miles per hour while transporting children to and from school and extracurricular activities.

(17) **DRIVER SEAT BELT.** A school bus which has a seat belt assembly installed at the driver's seat shall not be operated unless the driver is properly restrained by the seat belt assembly.

(18) **COMPLIANCE WITH DRIVER'S INSTRUCTIONS.** School bus passengers shall comply with all orders given by school bus drivers in carrying out said driver's responsibilities under Wis. Adm. Code sections MVD 17.10 (3), (4), (11), (12) and (14).

History: Cr. Register, July, 1974, No. 223, eff. 8-1-74; emerg. am. (2), eff. 11-6-75; am. (2), Register, March, 1976, No. 243, eff. 4-1-76.

Subchapter II

TYPE I BUSES CHASSIS

MVD 17.20 Chassis, type I buses. (1) **AIR CLEANER.** Bus shall be equipped with adequate oilbath, dry element or equivalent type air cleaner mounted outside the passenger compartment.

(2) **AXLES.** (a) Front axle or other type of suspension assembly shall be of sufficient capacity at ground to support such load on front axle as would be imposed by actual average gross vehicle weight. See subsection (22).

(b) Rear axle shall be full-floating type. Rear axle or other type of suspension assembly shall have gross weight rating at ground equal to or exceeding that portion of total load which is supported by rear suspension assembly.

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(c) Exception—transit and metropolitan vehicles. 1. Front axle shall be wide-track, heavy-duty bus type and shall have gross weight

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