



2007 ASSEMBLY BILL 644

December 21, 2007 – Introduced by Representatives FRISKE, A. WILLIAMS, BALLWEG, GRONEMUS, MONTGOMERY and ALBERS, cosponsored by Senators LEHMAN and ROESSLER. Referred to Committee on Transportation.

1 **AN ACT to amend** 110.06 (title) and 121.555 (2) (b); and **to create** 20.395 (5) (ds)
2 and 110.06 (2m) and (6) of the statutes; **relating to:** vehicle inspections of
3 school buses and alternative vehicles, extending the time limit for emergency
4 rule procedures, providing an exemption from emergency rule procedures,
5 requiring the exercise of rule-making authority, and making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, a school board or the governing body of a private school may provide pupil transportation services by alternative methods, including by a motor vehicle that transports nine or fewer passengers, plus the operator (alternative school vehicle). An alternative school vehicle that is owned or leased by a school or a private contractor or that is operated by a school district employee must be inspected annually, and the owner or lessee of the vehicle is responsible for this annual inspection. The duties of inspectors employed by the Department of Transportation (DOT) include enforcing and assisting in administering the inspection requirements for alternative school vehicles.

Under current law, DOT must adopt and enforce rules relating to school buses, including rules relating to the inspection of school buses. A “school bus” is defined to include a motor vehicle that carries ten or more passengers in addition to the operator, or that is painted school bus yellow with black trim and lettering, for the purpose of transporting pupils to or from a public or private school or to or from curricular or extracurricular activities. However, a “school bus” does not include a

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motor vehicle owned or operated by a parent transporting only his or her own children, an alternative vehicle, or a motor bus operated for purposes of transporting pupils to or from curricular or extracurricular activities. DOT rules currently require school buses to be inspected annually.

This bill specifies that the annual inspections required of alternative school vehicles must be conducted by DOT and requires DOT to promulgate and enforce rules for the annual inspection of alternative school vehicles. DOT's rules for school bus and alternative school vehicle inspections must specify any fee to be charged by DOT for an inspection. If DOT charges a fee for these inspections, DOT must charge the same fee for the same type of inspection to each person presenting a school bus or alternative school vehicle for inspection, regardless of whether the owner or lessee of the school bus or alternative school vehicle is a school district, private school, or private contractor. The bill also appropriates all school bus and alternative school vehicle fees collected by DOT for use for purposes related to conducting these inspections.

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.** 20.395 (5) (ds) of the statutes is created to read:

2 20.395 (5) (ds) *School bus and alternative school vehicle inspection, state funds.*

3 All moneys received as school bus and alternative school vehicle inspection fees as
4 provided under s. 110.06 (6) for purposes related to conducting inspections of school
5 buses and alternative school vehicles under s. 110.06 (2) and (2m).

6 **SECTION 2.** 110.06 (title) of the statutes is amended to read:

7 **110.06 (title) Rules; school bus presale and alternative school vehicle**
8 **inspection; penalties.**

9 **SECTION 3.** 110.06 (2m) and (6) of the statutes are created to read:

10 110.06 (2m) The department shall promulgate and enforce such rules as the
11 department deems necessary in the interests of safety to cover the annual inspection
12 of alternative school vehicles, as provided under s. 121.555 (2) (b).

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1 **(6)** The rules under subs. (2) and (2m) shall specify any fee to be charged by the
2 department for an inspection under sub. (2) or (2m). If the department charges a fee
3 for inspections of school buses or alternative school vehicles under sub. (2) or (2m),
4 the department shall charge the same fee for the same type of inspection to each
5 person presenting a school bus or alternative school vehicle for inspection, regardless
6 of whether the owner or lessee of the school bus or alternative school vehicle is a
7 school district, private school, or private contractor. The department shall credit to
8 the appropriation account under s. 20.395 (5) (ds) all fees collected for inspections of
9 school buses and alternative school vehicles under subs. (2) and (2m).

10 **SECTION 4.** 121.555 (2) (b) of the statutes is amended to read:

11 121.555 (2) (b) *Inspection.* If the vehicle is owned or leased by a school or a
12 school bus contractor or is operated by a school district employee, it shall be inspected
13 by the department of transportation annually for compliance with the requirements
14 of s. 110.075, ch. 347, and the rules of the department of transportation. The owner
15 or lessee of the vehicle is responsible for ~~the annual inspection~~ having the vehicle
16 inspected annually.

17 **SECTION 5. Nonstatutory provisions.**

18 (1) The department of transportation shall submit in proposed form the rules
19 required under section 110.06 (2m) and (6) of the statutes, as created by this act, to
20 the legislative council staff under section 227.15 (1) of the statutes no later than the
21 first day of the 4th month beginning after the effective date of this subsection.

22 (2) Using the emergency rules procedure under section 227.24 of the statutes,
23 the department of transportation shall promulgate the rules required under section
24 110.06 (2m) and (6) of the statutes, as created by this act, for purposes of
25 implementing this act, for the period before the effective date of the rules submitted

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1 under subsection (1). The department shall promulgate these emergency rules no
2 later than the first day of the 4th month beginning after the effective date of this
3 subsection. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, these
4 emergency rules may remain in effect until July 1, 2009, or the date on which
5 permanent rules take effect, whichever is sooner. Notwithstanding section 227.24
6 (1) (a) and (3) of the statutes, the department is not required to provide evidence that
7 promulgating a rule under this subsection as an emergency rule is necessary for the
8 preservation of the public peace, health, safety, or welfare and is not required to
9 provide a finding of emergency for a rule promulgated under this subsection.

SECTION 6. Initial applicability.

10 (1) The treatment of section 121.555 (2) (b) of the statutes first applies to
11 alternative school vehicles for which the department of transportation receives an
12 initial or renewal registration application on the effective date of this subsection.
13

14 **SECTION 7. Effective dates.** This act takes effect on the day after publication,
15 except as follows:

16 (1) The treatment of section 121.555 (2) (b) of the statutes and SECTION 6 of this
17 act take effect on the first day of the 4th month beginning after publication.

18 (END)