



2007 ASSEMBLY BILL 665

January 3, 2008 - Introduced by Representatives KRUSICK, A. OTT, BERCEAU, SINICKI, STONE, TURNER, A. WILLIAMS, BENEDICT and SEIDEL, cosponsored by Senators LEHMAN and OLSEN, by request of AARP-Wisconsin, Wisconsin Board on Aging and Long-Term Care, Coalition of Wisconsin Aging Groups, Disability Rights Wisconsin, Survival Coalition of Wisconsin Disability Organizations and Wisconsin Council on Developmental Disabilities. Referred to Committee on Transportation.

1 **AN ACT to renumber** 346.923 (intro.), 346.923 (1), 346.923 (6) and 346.923 (8);
2 **to amend** 346.923 (title); and **to create** 85.21 (3m) (b) 8., 346.923 (1) (d) and
3 (e) and 346.923 (2) and (3) of the statutes; **relating to:** specialized medical
4 vehicles and vehicles transporting elderly or disabled persons.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, any motor vehicle used to transport elderly persons or persons with disabilities in connection with a transportation assistance program for these persons is called a human service vehicle (HSV). An HSV is subject to annual vehicle inspection and must meet certain liability insurance requirements. The Department of Transportation (DOT) administers a Specialized Transportation Assistance Program (program) under which DOT distributes aids to counties for providing transportation services to elderly persons and persons with disabilities. With limited exceptions, a specialized transportation service that is operated by a county or that contracts with a county for services under the program (STS) may not employ as an operator of an HSV any person who does not meet the requirements for a school bus endorsement with respect to criminal history, who does not possess a valid vehicle operator's license, for whom the STS has not obtained an operating record as required by law, or who has not, within the previous 24 months, been fully trained in the proper use of HSV passenger restraint systems. In addition, regardless of whether an HSV is operated on behalf of an STS, a person may not operate an HSV transporting a passenger unless the operator possesses a valid operator's license, holds a valid school bus endorsement or meets certain

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requirements for issuance of a school bus endorsement, and has, within the previous two years, been fully trained in the proper use of HSV passenger restraint systems.

Under this bill, an STS also may not allow a person to operate an HSV prior to the STS issuing to the person an identification card containing the person's name and photograph and identifying the person as an operator. The bill also prohibits a person from operating an HSV transporting a passenger unless the operator conspicuously displays any identification card issued by an STS and the name, address, and telephone number of either the person to whom the vehicle is registered or the STS on behalf of which the vehicle is operated is prominently displayed on the vehicle.

The bill also requires caregiver-related entities that own or operate, or contract for the operation of, any transportation vehicle for elderly persons or persons with disabilities to issue to each operator of the vehicle, or to have their contractors issue to each operator, an identification card containing the person's name and photograph and identifying the person as an operator providing transportation on behalf of the caregiver-related entity. "Caregiver-related entities" are facilities, organizations, and services licensed, certified by, or registered with the Department of Health and Family Services to provide direct care or treatment services to clients, including nursing homes, residential care facilities, hospitals, personal care worker agencies, and supportive home care service agencies. "Transportation vehicle for elderly persons or persons with disabilities" is defined as a vehicle that is owned or operated by a caregiver-related entity, or operated by a third-party under contract with a caregiver-related entity, and that meets the definition of an HSV except that it is not used in connection with a transportation assistance program.

The bill further requires every provider of transportation by specialized medical vehicle (SMV) to issue to each SMV operator employed by or under contract with the provider, or to have its contractor issue to each operator, an identification card containing the person's name and photograph and identifying the person as an SMV operator. SMV is defined as a vehicle used to transport, for hire, a person who is confined to a wheelchair or whose condition contraindicates transportation by other common motor carriers and whose physician has prescribed SMV transportation to a facility at which the person primarily receives medical services.

Under the bill, a person may not operate a transportation vehicle for elderly persons or persons with disabilities, or an SMV, that is transporting a passenger unless the operator conspicuously displays any identification card issued by, respectively, a caregiver-related entity or a provider of SMV transportation and a name, address, and telephone number is prominently displayed on the vehicle.

Under the bill, DOT must establish guidelines for the display of operator identification cards and of information on vehicles and that prescribe a standard format for the appearance of these identification cards.

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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.** 85.21 (3m) (b) 8. of the statutes is created to read:

2 85.21 (3m) (b) 8. Allow a person to operate a human service vehicle prior to the
3 specialized transportation service issuing to the person an identification card
4 containing the person's name and photograph and identifying the person as an
5 operator.

6 **SECTION 2.** 346.923 (title) of the statutes is amended to read:

7 **346.923** (title) **Human Operation of human service vehicles; minimum**
8 **operator qualifications and certain other vehicles.**

9 **SECTION 3.** 346.923 (intro.) of the statutes is renumbered 346.923 (1) (intro.).

10 **SECTION 4.** 346.923 (1) of the statutes is renumbered 346.923 (1) (a).

11 **SECTION 5.** 346.923 (1) (d) and (e) of the statutes are created to read:

12 346.923 (1) (d) The operator conspicuously displays any identification card
13 issued by a specialized transportation service under s. 85.21 (3m) (b) 8.

14 (e) The name, address, and telephone number of either the person to whom the
15 vehicle is registered or the specialized transportation service on behalf of which the
16 vehicle is operated is prominently displayed on the vehicle.

17 **SECTION 6.** 346.923 (2) and (3) of the statutes are created to read:

18 346.923 (2) (a) In this subsection:

19 1. "Caregiver-related entity" has the meaning given for "entity" in s. 50.065 (1)
20 (c).

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1 2. “Specialized medical vehicle” means a vehicle used to transport, for hire, a
2 person who is confined to a wheelchair or whose condition contraindicates
3 transportation by other common motor carriers and whose physician has prescribed
4 specialized medical vehicle transportation to a facility at which the person primarily
5 receives medical services, but does not include an authorized emergency vehicle, a
6 human service vehicle operated by a specialized transportation service under s.
7 85.21, or a transportation vehicle for elderly persons or persons with disabilities
8 under this subsection.

9 3. “Transportation vehicle for elderly persons or persons with disabilities”
10 means a vehicle that is owned or operated by a caregiver-related entity, or operated
11 by a 3rd-party under contract with a caregiver-related entity, and that meets the
12 definition of human service vehicle under s. 340.01 (23g) except that it is not used
13 in connection with a transportation assistance program.

14 (b) 1. Except as provided in subd. 2., every caregiver-related entity that owns
15 or operates, or contracts for the operation of, any transportation vehicle for elderly
16 persons or persons with disabilities shall issue to each operator of the vehicle an
17 identification card containing the person’s name and photograph and identifying the
18 person as an operator providing transportation on behalf of the caregiver-related
19 entity.

20 2. A caregiver-related entity that contracts for the operation of any
21 transportation vehicle for elderly persons or persons with disabilities may, under
22 such a contract, require the contractor to issue to each operator of the vehicle who
23 is an employee or agent of the contractor an identification card containing all of the
24 information specified in subd. 1.

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1 (c) 1. Except as provided in subd. 2., every provider of transportation by
2 specialized medical vehicle shall issue to each operator of a specialized medical
3 vehicle employed by or under contract with the provider an identification card
4 containing the person's name and photograph and identifying the person as a
5 specialized medical vehicle operator.

6 2. A provider of transportation by specialized medical vehicle that contracts
7 with an operator of a specialized medical vehicle may, under such a contract, require
8 the contractor to issue its own identification card containing all of the information
9 specified in subd. 1.

10 (d) No person may operate a transportation vehicle for elderly persons or
11 persons with disabilities that is transporting any passenger unless all of the
12 following apply:

13 1. The operator conspicuously displays any identification card issued by a
14 caregiver-related entity or its contractor under par. (b).

15 2. The name, address, and telephone number of either the person to whom the
16 vehicle is registered or caregiver-related entity on behalf of which the vehicle is
17 operated is prominently displayed on the vehicle.

18 (e) No person may operate a specialized medical vehicle that is transporting
19 any passenger unless all of the following apply:

20 1. The operator conspicuously displays any identification card issued by a
21 provider of specialized medical vehicle transportation or its contractor under par. (c).

22 2. The name, address, and telephone number of the provider of specialized
23 medical vehicle transportation is prominently displayed on the specialized medical
24 vehicle.

