



2013 SENATE BILL 304

September 24, 2013 - Introduced by Senators T. CULLEN, CARPENTER, HARRIS, LEHMAN, RISSER and SCHULTZ, cosponsored by Representatives BIES, BERCEAU, CLARK, HULSEY, KESSLER, KOLSTE, RINGHAND, C. TAYLOR and WACHS. Referred to Committee on Transportation, Public Safety, and Veterans and Military Affairs.

1 **AN ACT** *to amend* 110.06 (2); and *to create* 20.255 (2) (cv), 115.438, 347.48 (5)
2 and 347.492 of the statutes; **relating to:** safety belts on certain school buses
3 that are purchased or sold and making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, if a motor vehicle is required by federal law to be equipped with seat belts, the motor vehicle cannot be bought, sold, or leased in Wisconsin unless the vehicle is so equipped. Federal law does not require school buses weighing more than 10,000 pounds to be equipped with seat belts for passengers.

Also under current law, the Department of Transportation (DOT) must adopt and enforce rules, in the interests of safety, to cover the design, construction, inspection, and operation of school buses. Prior to the use of a motor vehicle as a school bus, the seller of the school bus must obtain a presale inspection of the school bus by DOT verifying compliance with DOT's rules relating to design and construction of school buses, and a copy of the presale inspection report must be provided to the purchaser. However, the purchaser and seller of the school bus may agree that the purchaser will obtain the presale inspection. Certain consequences follow if the presale inspection report shows that the school bus is not in compliance with DOT's rules relating to design and construction of school buses.

Also under current law, contracts for the transportation of pupils must, by reference, incorporate DOT's school bus rules.

Under this bill, a school bus that weighs more than 10,000 pounds and that is manufactured on or after a date approximately six months following the bill's

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enactment cannot be bought, sold, or leased in Wisconsin unless the school bus is equipped with seat belts for passengers that include both pelvic and upper torso restraints. The bill also requires DOT's rules relating to design and construction of school buses to include this requirement, which results in inclusion of the requirement in DOT's school bus presale inspection reports and in contracts for the transportation of pupils.

Under current law, a school district may provide pupil transportation by contracting with a common carrier, taxi company, or other party, including a pupil's parent, or by purchasing and operating a motor vehicle. This bill establishes a grant program to defray the costs to a school district that provides pupil transportation on school buses equipped with safety belts. Under the grant program, a school district may apply to receive a grant equal to 50 percent of the difference between the cost to the school district to provide pupil transportation on a school bus equipped with safety belts and the cost to the school district to provide pupil transportation on a school bus without safety belts.

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.** 20.255 (2) (cv) of the statutes is created to read:

2 20.255 (2) (cv) *Safety belt-equipped school buses.* A sum sufficient to make
3 grants to school districts under s. 115.438.

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

5 110.06 (2) The secretary shall adopt and enforce such rules as he or she deems
6 necessary in the interests of safety to cover the design, construction, inspection, and
7 operation of school buses. ~~Such~~ These rules may, but need not, be uniform for each
8 type of bus designated in s. 340.01 (56) (a) and (am). These rules shall include, as
9 a requirement relating to design and construction of school buses, the requirement
10 under s. 347.492.

11 **SECTION 3.** 115.438 of the statutes is created to read:

12 **115.438 Safety belt-equipped school buses.** (1) A school board may apply
13 to the department for a grant to defray the costs of providing transportation of pupils

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1 under ss. 121.54 and 121.545 on school buses equipped with safety belts as required
2 under s. 347.492. The school board shall comply with any application procedures and
3 documentation requirements established by the department by rule under sub. (3).

4 (2) The department shall award a grant to a school district that complies with
5 the requirements under sub. (1) from the appropriation under s. 20.255 (2) (cv) in an
6 amount equal to 50 percent of the difference between the cost to the school district
7 to provide pupil transportation on a school bus that is equipped with safety belts and
8 the cost to the school district to provide pupil transportation on a school bus that is
9 not equipped with safety belts.

10 (3) The department shall promulgate rules to implement this section.

11 **SECTION 4.** 347.48 (5) of the statutes is created to read:

12 347.48 (5) CERTAIN SCHOOL BUSES EXCEPTED. This section does not apply to a
13 school bus, as defined in s. 347.492 (1), except with respect to the operator of the
14 school bus.

15 **SECTION 5.** 347.492 of the statutes is created to read:

16 **347.492 Safety belts on school buses.** (1) In this section, "school bus" means
17 a school bus, as defined in s. 340.01 (56) (a), that has a gross vehicle weight rating
18 of more than 10,000 pounds and that is manufactured on or after the effective date
19 of this subsection [LRB inserts date].

20 (2) No person may buy, sell, lease, trade, or transfer a school bus, on or after
21 the effective date of this subsection [LRB inserts date], from or to a resident of this
22 state unless the school bus is equipped with safety belts for passengers that include
23 both pelvic and upper torso restraints.

24 **SECTION 6. Effective date.**

