



## 2009 ASSEMBLY BILL 617

December 17, 2009 - Introduced by Representatives POPE-ROBERTS, CLARK, KNODL, TOWNSEND, RIPP, A. WILLIAMS and GUNDERSON, cosponsored by Senators LEHMAN, MILLER and TAYLOR. Referred to Committee on Transportation.

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

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### *Analysis by the Legislative Reference Bureau*

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 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

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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.

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*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) of the statutes is amended to read:

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

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1           **SECTION 3.** 346.48 (2) (b) 1. of the statutes is amended to read:

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

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

5           346.48 (2) (b) 2. Residence or business districts when pupils or other authorized  
6 passengers are to be loaded or unloaded where a sidewalk and curb are laid on both  
7 sides of the road highway, or private road or driveway, unless required otherwise by  
8 municipal ordinance enacted under s. 349.21 (1).

9           **SECTION 5.** 346.48 (2) (c) of the statutes is amended to read:

10           346.48 (2) (c) When a school bus is being used on a highway or private road or  
11 driveway for purposes other than those specified in s. 340.01 (56) (a) and (am), the  
12 flashing red warning lights shall not be used, and all markings on the front and rear  
13 of the bus indicating it is a school bus shall be removed or completely concealed;  
14 except that any time a motor vehicle is equipped as provided under ss. 347.25 (2) and  
15 347.44 and is transporting children for any purpose, the school bus markings may  
16 remain unconcealed and the flashing red signals may be used as provided in this  
17 section and when so used, sub. (1) applies to operators of other motor vehicles.

18           **SECTION 6.** 346.48 (3) of the statutes is amended to read:

19           346.48 (3) If the operator of a motor vehicle overtakes a school bus which is  
20 stopped and is loading or unloading pupils or other authorized passengers at an  
21 intersection on the right side of a roadway or private road or driveway in a business  
22 or residence district in which the display of the flashing red warning lights on the  
23 school bus is not permitted, the operator shall pass at a safe distance to the left of the  
24 school bus and shall not turn to the right in front of the school bus at that intersection.

25           **SECTION 7.** 349.21 (1) of the statutes is amended to read:

