



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-2889/1
EVM&KRP:amn

2021 ASSEMBLY BILL 1144

March 10, 2022 - Introduced by Representatives PLUMER and ARMSTRONG. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT** *to renumber* 346.485 (2); *to renumber and amend* 346.485 (4) (a); *to*
2 *amend* 346.485 (3), 346.485 (4) (c), 346.49 (2) and 346.49 (3); and *to create*
3 121.52 (6), 346.485 (2) (bm), 346.485 (4) (a) 2., 346.49 (2g) and 346.49 (3m) of
4 the statutes; **relating to:** use of photographic or video evidence for purpose of
5 imposing owner liability for illegally passing a school bus and providing a
6 penalty.

Analysis by the Legislative Reference Bureau

This bill allows the use of photographic or video information to support the issuance of citations for certain traffic violations related to failure to stop for a school bus that is discharging pupils.

Current law generally requires the driver of a vehicle approaching a school bus that is stopped on a highway and that is displaying flashing red warning lights to stop the vehicle not less than 20 feet from the bus and to remain stopped until the bus resumes motion or the school bus operator extinguishes the warning lights.

Current law also imposes liability on the owner of a vehicle that fails to stop as required for a school bus displaying flashing red warning lights (failure-to-stop violation). If a school bus operator observes a failure-to-stop violation, the school bus operator may prepare a written report that includes specified information. Within 24 hours after the violation, the school bus operator may deliver this report to a traffic officer of the county or municipality in which the failure-to-stop violation

ASSEMBLY BILL 1144

occurred. Within 48 hours after receiving the report, the traffic officer may prepare a uniform traffic citation for the owner of the vehicle that failed to stop. The citation may be served on the owner personally, by leaving a copy of the citation at the owner's usual place of abode, or by certified mail.

Under this bill, if a school bus is equipped with a photographic or video system and the owner or operator of the bus or a third party that monitors the photographic or video system detects a failure-to-stop violation by use of the photographic or video system, the owner, operator, or third party may prepare and deliver a uniform traffic citation to a traffic officer of the county or municipality in which the failure-to-stop violation occurred. The officer must then review the citation and may complete and serve the citation on the owner of the vehicle that failed to stop.

This bill also extends the period in which a report of a failure-to-stop violation may be made from 24 hours after the violation to 15 days after the violation and extends the period in which a traffic officer may prepare a traffic violation from 48 hours after receiving a report to 15 days after receiving a report. Also, for a citation that may be served by mail, service may be made by the officer or by the officer's designee and service may be made by first class mail or by certified mail.

Currently a person who fails to properly stop for a school bus that is stopped on a highway and that is displaying flashing red warning lights or who is subject to vehicle owner liability for such a violation may be required to forfeit not less than \$30 nor more than \$300. This bill increases the minimum forfeiture for each violation to \$200.

Also under this bill, a school board may directly or indirectly by entering into a contract with a third party install and monitor photographic or video systems on school buses for the purpose of recording evidence of failure-to-stop violations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 121.52 (6) of the statutes is created to read:

2 121.52 **(6)** A school board may directly or indirectly by entering into a contract
3 with a 3rd party install and monitor photographic or video systems on school buses
4 for the purpose of recording evidence of violations of s. 346.48 (1).

5 **SECTION 2.** 346.485 (2) of the statutes is renumbered 346.485 (2) (am).

6 **SECTION 3.** 346.485 (2) (bm) of the statutes is created to read:

7 346.485 **(2)** (bm) If an owner or operator of a school bus or a 3rd party that
8 monitors photographic or video systems installed on a school bus detects a violation

ASSEMBLY BILL 1144

1 of s. 346.48 (1) by use of a photographic or video system equipped to the school bus,
2 the owner, operator, or 3rd party may prepare a uniform traffic citation under s.
3 345.11 and deliver the citation to a traffic officer in the county or municipality in
4 which the violation occurred. The owner, operator, or 3rd party shall include with
5 a citation under this paragraph a copy of the recording that demonstrates a violation
6 of s. 346.48 (1).

7 **SECTION 4.** 346.485 (3) of the statutes is amended to read:

8 346.485 (3) ~~Within 24 hours~~ For a report under sub. (2) (am), within 15 days
9 ~~after observing the observation of the violation,~~ the school bus operator may deliver
10 the report to a traffic officer of the county or municipality in which the violation
11 occurred. A report ~~which~~ that does not contain all the information in sub. (2) (am)
12 1. to 3. shall nevertheless be delivered and shall be maintained by the county or
13 municipality for statistical purposes.

14 **SECTION 5.** 346.485 (4) (a) of the statutes is renumbered 346.485 (4) (a) 1. and
15 amended to read:

16 346.485 (4) (a) 1. ~~Within 48 hours~~ 15 days after receiving a report under sub.
17 (2) (am) containing all the information in sub. (2) (am) 1. to 3., the traffic officer may
18 prepare a uniform traffic citation under s. 345.11 and may personally serve it upon
19 the owner of the vehicle.

20 **SECTION 6.** 346.485 (4) (a) 2. of the statutes is created to read:

21 346.485 (4) (a) 2. Within 15 days after receiving a citation and recording under
22 sub. (2) (bm), the traffic officer shall review the citation and recording and, if the
23 traffic officer determines issuance of a citation is appropriate, may personally serve
24 the citation on the owner of the vehicle. A traffic officer may complete or make any

ASSEMBLY BILL 1144**SECTION 6**

1 other modification to a citation received under sub. (2) (bm) before serving the
2 citation under this subdivision.

3 **SECTION 7.** 346.485 (4) (c) of the statutes is amended to read:

4 346.485 (4) (c) If with reasonable diligence the owner cannot be served under
5 par. (a) or (b) or if the owner lives outside of the jurisdiction of the issuing authority,
6 service may be made by certified or first class mail addressed to the owner's
7 last-known address. A mailing under this paragraph may be made by the traffic
8 officer or, at the direction of the traffic officer, by another person, including a person
9 who prepared a citation under sub. (2) (bm).

10 **SECTION 8.** 346.49 (2) of the statutes is amended to read:

11 346.49 (2) Any person violating s. 346.455 ~~or 346.48~~ may be required to forfeit
12 not less than \$30 nor more than \$300.

13 **SECTION 9.** 346.49 (2g) of the statutes is created to read:

14 346.49 (2g) Any person violating s. 346.48 may be required to forfeit not less
15 than \$200 nor more than \$300.

16 **SECTION 10.** 346.49 (3) of the statutes is amended to read:

17 346.49 (3) A vehicle owner or other person found liable under s. ~~346.485 or~~
18 346.457 may be required to forfeit not less than \$30 nor more than \$300. Imposition
19 of liability under s. ~~346.485 or~~ 346.457 shall not result in suspension or revocation
20 of a person's operating license under s. 343.30, nor shall it result in demerit points
21 being recorded on a person's driving record under s. 343.32 (2) (a).

22 **SECTION 11.** 346.49 (3m) of the statutes is created to read:

23 346.49 (3m) A vehicle owner or other person found liable under s. 346.485 may
24 be required to forfeit not less than \$200 nor more than \$300. Imposition of liability
25 under s. 346.485 shall not result in suspension or revocation of a person's operating

ASSEMBLY BILL 1144

1 license under s. 343.30, nor shall it result in demerit points being recorded on a
2 person's driving record under s. 343.32 (2) (a).

3 (END)