

1981 Assembly Bill 465

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## CHAPTER 168 , Laws of 1981

AN ACT to amend 346.49 (title); and to create 346.485, 346.49 (3) and 885.05 (1) (bm) of the statutes, relating to a vehicle owner's liability when the vehicle illegally passes a school bus and providing a penalty.

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

SECTION 1. 346.485 of the statutes is created to read:

**346.485 Owner's liability for vehicle illegally passing school bus.** (1) The owner of a vehicle involved in a violation of s. 346.48 (1) shall be liable for the violation as provided in this section.

(2) The operator of a school bus who observes a violation of s. 346.48 (1) may prepare a written report indicating that a violation has occurred. If possible, the report shall contain the following information:

- (a) The time and the approximate location at which the violation occurred.
- (b) The license number and color of the vehicle involved in the violation.
- (c) Identification of the vehicle as an automobile, station wagon, motor truck, motor bus, motor-driven cycle or other type of vehicle.

(3) Not less than 24 hours after the violation occurs, the school bus operator may deliver the report to a traffic officer of the county or municipality in which the violation occurred. A report which does not contain all the information in sub. (2) shall neverthe-

less be delivered and shall be maintained by the county or municipality for statistical purposes.

(4) (a) Not less than 48 hours after receiving a report containing all the information in sub. (2), the traffic officer shall prepare a uniform traffic citation under s. 345.11 and shall personally serve it upon the owner of the vehicle.

(b) If with reasonable diligence the owner cannot be served under par. (a), service may be made by leaving a copy of the citation at the owner's usual place of abode within this state in the presence of a competent member of the family at least 14 years of age, who shall be informed of the contents thereof.

(c) If with reasonable diligence the owner cannot be served under par. (a) or (b), service may be made by certified mail addressed to the owner's last-known address.

(5) (a) Except as provided in par. (b), it shall be no defense to a violation of this section that the owner was not operating the vehicle at the time of the violation.

(b) The following are defenses to a violation of this section:

1. That a report that the vehicle was stolen was given to a traffic officer before the violation occurred or within a reasonable time after the violation occurred.

1m. If the owner of the vehicle provides a traffic officer with the name and address of the person operating the vehicle at the time of the violation and the person so named admits operating the vehicle at the time of the violation, then the person operating the vehicle and not the owner shall be charged under this section.

2. If the vehicle is owned by a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee, and the lessor provides a traffic officer with the information required under s. 343.46 (3), then the lessee and not the lessor shall be charged under this section.

3. If the vehicle is owned by a dealer as defined in s. 340.01 (11) (intro.) but including the persons specified in s. 340.01 (11) (a) to (d), and at the time of the violation the vehicle was being operated by any person on a trial run, and if the dealer provides a traffic officer with the name, address and operator's license number of the person operating the vehicle, then the person operating the vehicle, and not the dealer, shall be charged under this section.

SECTION 2. 346.49 (title) of the statutes is amended to read:

**346.49 (title) Penalty for violating ss. 346.44 to 346.485.**

SECTION 3. 346.49 (3) of the statutes is created to read:

346.49 (3) A vehicle owner or other person found liable under s. 346.485 may be required to forfeit not less than \$20 nor more than \$200. Imposition of liability under s. 346.485 shall not result in suspension or revocation of a person's operating license under s. 343.30, nor shall it result in demerit points being recorded on a person's driving record under s. 343.32 (2) (a).

SECTION 4. 885.05 (1) (bm) of the statutes is created to read:

885.05 (1) (bm) For attending before a municipal judge or any other court, a school bus operator appearing as a witness to a violation of s. 346.48 (1) which he or she reported under s. 346.485 shall receive \$15 per day.