



2003 ASSEMBLY BILL 180

March 21, 2003 – Introduced by Representatives MUSSER, HAHN, ALBERS, OLSEN and GRONEMUS, cosponsored by Senator SCHULTZ. Referred to Committee on Highway Safety.

- 1 **AN ACT** *to amend* 346.48 (2) (a) and 346.48 (2) (b) 2.; and *to create* 346.48 (2)
2 (bc), 346.48 (2) (bg) and 346.48 (2m) of the statutes; **relating to:** school buses
3 loading or unloading pupils or other authorized passengers.

Analysis by the Legislative Reference Bureau

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 (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 bus driver extinguishes the warning lights. Current law also requires, with certain exceptions, a school bus driver to activate warning lights at least 100 feet before stopping to load or unload pupils or other authorized passengers (passengers); the lights must remain activated until loading or unloading is completed and until any person who must cross the highway is safely across. Under one exception, the bus driver may not activate the warning lights when loading or unloading in a special loading area where the bus is entirely off the traveled portion of the highway. Under another exception, the bus driver may not activate the warning lights when loading or unloading in a residence or business district where a sidewalk and curb are laid on both sides of the road, unless there is no traffic signal where the loading or unloading occurs, the person being loaded or unloaded must cross the highway, and a local ordinance authorizes the use of warning lights under these circumstances. (However, if a curb and sidewalk are laid on one side of the road only, the bus driver must activate the warning lights regardless of from which side a passenger loads.)

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Under this bill, a school bus driver may not activate the warning lights when loading or unloading in a residence or business district, even if the bus is not entirely off the traveled portion of the highway and regardless of whether a curb and sidewalk are on one or both sides of the road, if all of the following conditions are met:

1. There is a sidewalk and curb on the side of the road where loading or unloading occurs.
2. The loading or unloading occurs immediately adjacent to the sidewalk and curb.
3. There is sufficient clearance on the roadway for other vehicles to pass at a safe distance to the left of the school bus.
4. No person must cross the highway before being loaded or after being unloaded.

(A bus driver may still activate the warning lights if there is no traffic signal where the loading or unloading occurs, the person being loaded or unloaded must cross the highway, and a local ordinance authorizes the use of warning lights under these circumstances.)

The bill further provides that a bus driver may not activate the warning lights if, because of traffic or other emergency conditions, the use of warning lights would endanger the safety of passengers, pedestrians, or other motorists, and passengers may be safely loaded or unloaded without the use of warning lights.

Under the bill, whenever a bus driver stops to load or unload passengers and does not activate the warning lights, the bus driver must activate the vehicular hazard lights (hazard lights). Other motorists need not stop for a school bus displaying hazard lights.

Under current law, no person who operates a human service vehicle may stop to load or unload a passenger who is a child with a disability unless the vehicle is entirely off the traveled portion of the highway in an area where stopping is permitted, and the child does not have to cross the highway in order to be loaded or unloaded.

Under this bill, a bus driver may not activate warning lights, but must activate hazard lights, when loading or unloading any child with a physical disability requiring the use of a ramp or vertical power lift for loading or unloading and may only load or unload such a child if the bus is entirely off the traveled portion of the highway in an area where stopping is permitted, and the child does not have to cross the highway in order to be loaded or unloaded.

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

- 1 **SECTION 1.** 346.48 (2) (a) of the statutes is amended to read:
- 2 346.48 (2) (a) Except as provided in ~~par.~~ pars. (b), (bc), and (bg), the operator
- 3 of a school bus equipped with flashing red warning lights as specified in s. 347.25 (2)

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1 shall actuate such lights at least 100 feet before stopping to load or unload pupils or
2 other authorized passengers, and shall not extinguish such lights until loading or
3 unloading is completed and persons who must cross the highway are safely across.
4 ~~Where the curb and sidewalk are laid on one side of the road only, the operator shall~~
5 ~~use the flashing red warning lights when loading or unloading passengers from~~
6 ~~either side.~~

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

8 346.48 (2) (b) 2. Residence or business districts when pupils or other authorized
9 passengers are to be loaded or unloaded where a sidewalk and curb are laid on both
10 sides the side of the road where pupils or other authorized passengers are loaded or
11 unloaded if the loading or unloading occurs immediately adjacent to the sidewalk
12 and curb, there is sufficient clearance on the roadway for other vehicles to pass at a
13 safe distance to the left of the school bus, and no person must cross the road before
14 being loaded or after being unloaded, unless required otherwise by municipal
15 ordinance enacted under s. 349.21 (1).

16 **SECTION 3.** 346.48 (2) (bc) of the statutes is created to read:

17 346.48 (2) (bc) A school bus operator may not use the flashing red warning
18 lights when stopping to load or unload pupils or other authorized passengers if,
19 because of traffic or other emergency conditions, the use of such lights would
20 endanger the safety of passengers, pedestrians, or other motorists and the pupils or
21 other authorized passengers may be safely loaded or unloaded without the use of
22 such lights.

23 **SECTION 4.** 346.48 (2) (bg) of the statutes is created to read:

24 346.48 (2) (bg) A school bus operator may not stop to load or unload any
25 passenger who is a child with a physical disability requiring the use of a ramp or

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1 vertical power lift for loading or unloading unless the school bus is entirely off the
2 traveled portion of the highway in an area where stopping, standing, or parking is
3 not prohibited and the child does not have to cross the highway in order to be loaded
4 or unloaded. The school bus operator shall not use the flashing red warning lights
5 specified in par. (a) in loading or unloading such a passenger, but shall use the
6 vehicular hazard lights specified in sub. (2m).

7 **SECTION 5.** 346.48 (2m) of the statutes is created to read:

8 346.48 (2m) A school bus operator who stops to load or unload a pupil or other
9 authorized passenger under this section and who does not use the flashing red
10 warning lights as provided in sub. (2) (a) shall actuate the vehicular hazard lights
11 specified in s. 347.26 (11) (a) before stopping and shall not extinguish such lights
12 until loading or unloading is completed.

13 **SECTION 6. Initial applicability.**

14 (1) This act first applies to violations committed on the effective date of this
15 subsection, but does not preclude the counting of other violations as prior violations
16 for sentencing a person.

17 **SECTION 7. Effective date.**

18 (1) This act takes effect on the first day of the 3rd month beginning after
19 publication.

20 (END)