

CHAPTER 131

AN ACT to amend 40.53 (7) (b) and (c); to repeal and recreate 40.53 (7) (a); and to create 110.06 (2) of the statutes, granting authority to the commissioner of motor vehicles to adopt rules for the design, construction, inspection and operation of all school busses.

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

SECTION 1. 40.53 (7) (a) of the statutes is repealed and recreated to read:

40.53 (7) (a) Rules covering the design, construction, inspection and operation of school busses adopted by the commissioner of motor vehicles shall by reference be made a part of any contract for transportation of public school pupils.

SECTION 2. 40.53 (7) (b) and (c) of the statutes are amended to read:

40.53 (7) (b) All drivers or operators of vehicles used for the transportation of public school pupils for compensation shall be under written contract with the school district for which such drivers or operators transport pupils. The form of contract shall be prescribed by the state superintendent and shall provide that any party to such contract shall be at all times subject to rules of the department of public instruction and any rules adopted by the commissioner of motor vehicles pursuant to ~~par. (a)~~ s. 110.06 (2). Such contracts shall contain a provision that all bus operators shall, as a condition of the contract with bus drivers, require a physical examination including a chest X-ray or tuberculin test. If the reaction to the tuberculin test is positive ~~then~~ a chest X-ray shall be required. Additional physical examinations shall be required thereafter at intervals determined by the board but at no less than 3-year intervals for each driver ~~concerned~~. Such physical examinations, chest X-rays or tuberculin tests shall not be required of any ~~such~~ bus driver who files with the board an affidavit setting forth that he depends exclusively upon prayer or spiritual means for healing in accordance with the teachings of a bona fide religious sect, denomination or organization and that he is to the best of his knowledge and belief in good health and that he claims exemption from health examination on ~~such~~ these grounds. Notwithstanding the filing of ~~such~~ this affidavit if there is reasonable cause to believe that ~~such~~ the driver is suffering from an illness detrimental to the health of the pupils, the board may require ~~such~~ a health examination of ~~such~~ the driver sufficient to indicate whether or not ~~such~~ driver he is suffering from such an illness. No driver shall be discriminated against by reason of his filing the ~~forementioned~~ this affidavit. ~~Such~~ Every contract shall also contain a provision that the report of a physical examination may be submitted on forms prescribed by the interstate commerce commission, bureau of motor carriers, or ~~by~~ the state department of public instruction and that a copy of a physical examination report obtained for other purposes within one year of the date of the contract may be substituted in lieu of the examination, if the report contains substantially the same information required on the state department of public instruction form.

(c) The school board may adopt additional rules, not inconsistent with state law or rules adopted pursuant to ~~par. (a)~~ ~~or~~ (b) or s. 110.06

(2), for the protection of the pupils or to govern the conduct of the person in charge of the conveyance used for transportation of public school pupils for compensation.

SECTION 3. 110.06 (2) of the statutes is created to read:

110.06 (2) The commissioner of motor vehicles shall adopt and enforce such rules as he deems necessary in the interests of safety to cover the design, construction, inspection and operation of school busses.

Approved June 24, 1965.

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