

1999 DRAFTING REQUEST

Bill

Received: **08/23/1999**

Received By: **nilsepe**

Wanted: **As time permits**

Identical to LRB:

For: **David Brandemuehl (608) 266-1170**

By/Representing: **Sherri**

This file may be shown to any legislator: NO

Drafter: **nilsepe**

May Contact:

Alt. Drafters:

Subject: **Transportation - driver licenses**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

School bus operator's endorsement

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
I?	nilsepe 08/23/1999	j geller 0812411999		_____			State
/1	nilsepe 08/30/1999	jgeller 08/30/1999	martykr 08/24/1999	_____	lrb-docadmin 08/24/1999		State
/2	nilsepe 09/13/1999	gilfokm 09/21/1999	hhagen 08/3 1/1 999	_____	lrb-docadmin 08/3 1/1 999		State
/3		jgeller 10/08/1999	kfollet 09/22/1999	_____	lrb-docadmin 0912211999		State
/4			mclark	_____	lrb-docadmin	lrb-docadmin	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			10/11/1999 _____		10/11/1999	10/19/1999	

FE Sent For:

11-19-99

<END>

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/2	nilsepe 09/13/1999	gilfokm 09/21/1999	hhagen 08/31/1999	_____	h-b-docadmin 08/31/1999		State
/3		ygeller 10/05/1999	kfollet 09/22/1999	_____	lrb-docadmin 09/22/1999		State
/4			mclark	_____	lrb-docadmin		

*

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

10/11/1999 _____ 10/11/1999

FE Sent For:

<END>

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/3		14 10/8 jg	kfollet 09/22/1999	_____	lrb-docadmin 09/22/1999		

MRC 10/8
MRC/JF 10/11

FE Sent For:

<END>

1999 DRAFTING REQUEST

Bill

Received: 0812311999

Received By: nilsepe

Wanted: As time permits

Identical to LRB:

For: David Brandemuehl (608) 266-1170

By/Representing: Sherri

This file may be shown to any legislator: NO

Drafter: nilsepe

May Contact:

Alt. Drafters:

Subject: Transportation - driver licenses

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

School bus operator's endorsement

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Reaquired</u>
I?	nilsepe 08/23/1999	jgeller 08/24/1999		_____			State
/1	nilsepe 08/30/1999	jgeller 08/30/1999	martykr 08/24/1999	_____	lrb_docadmin 08/24/1999		State
/2		1/3-9-21-99 trmg	hhagen 08/3	1/1999	lrb_docadmin 08/3 1/1 999		
FE Sent For:			Kjf 9/21	Kjf/km 9/22			

<END>

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/?	nilsepe 08/23/1999	jgeller 08/24/1999		_____			State
/1		<i>1/2 8/30 jlg</i>	martykr 08/24/1999	_____	lrb_docadmin 0812411999		
			<i>1/2 8/30</i>	<i>me 8/30</i>			

FE Sent For:

<END>

10/10/10

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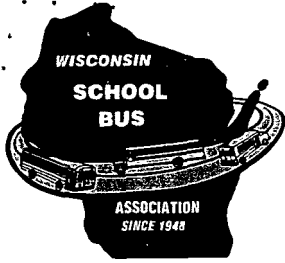
See Attached

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/?	nilsepe 08/23/1999	lrb_editor 1 8/24 jlg	<i>km</i> 8/24	<i>mm</i> 8/24 <i>dm</i> 24			

FE Sent For:

<END>



WISCONSIN SCHOOL BUS ASSOCIATION

P.O. Box 168 • Sheboygan, WI 53082-0168 • (920) 457-7008 • Fax(920j 457-5758

Robert W. Christian, Executive Director

*Let it
be*

August 17, 1999

Representative David Brandemuehl
State Capitol
P.O. BOX 8952
Madison, WI 53708

Dear Rep. ~~David~~ Brandemuehl:

The enclosed language was taken out of The Governor's Budget Bill because they thought it didn't have any fiscal cost. I am hoping your committee will sponsor this change in 343.12(2)(h) so that we can test School Bus Drivers every four (4) years instead of every eight (8) years.

I believe it's not in the interests of safety to leave the eight ~~years in.~~ Please let me know if you and the committee will sponsor this change and go forward with this proposal.

Thank you,

RWC
Robert W. Christian
Executive Director

RWC/fk

Enc.

Representative David Brandemuehl
Page 2
August 17, 1999

s 343.12(2)(h) Prior to initial issuance or renewal of the endorsement, takes and passes a special examination prescribed by the department and administered by the department or a 3rd party tester under s. 343.16(1)(b) to determine his or her ability to safely operate a school bus. This special examination may include the examination required under **sub.(3)**The department may (shall) by rule require any person issued an operator's license with a school bus endorsement that is valid for a period of more than 4 years ~~to~~ take and pass the knowledge test under s.343.16(1) and an abbreviated driving skills test under s. 343.16(3)(b) at 4 year intervals.

This enclosure is part of original letter received from The Wisconsin School Bus Association.

+jlg

3486/1

DOA:Etzler - Qualifications for school bus endorsements

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

1999 B:4

(f-not)

gen cat

1 AN ACT; relating to: qualifications for endorsements authorizing the
2 operation of a school bus.

Analysis by the Legislative Reference Bureau

~~TRANSPORTATION~~
~~DRIVERS AND MOTOR VEHICLES~~

Under current law, no person may operate a school bus unless the person possesses an endorsement issued by the department of transportation (DOT) to operate school buses. DOT is required to issue a school bus endorsement to any applicant for the endorsement who is at least 18 years of age but not more than 70 years of age and who meets the stated requirements, including passing a physical examination. A school bus endorsement is valid for the eight-year duration of the person's operator's license. DOT may, but is not required to, issue a school bus endorsement to any person who is more than 70 years of age and who annually takes and passes a physical examination and satisfies the requirements required of younger school bus operators.

This bill requires each school bus operator to pass an examination, at least once every 4 years, of his or her ability to safely operate a school bus.

four

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

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

1 SECTION 1. 343.12 (2m) of the statutes is created to read:

2 343.12 **(2m)** The department shall require each person who holds an
3 endorsement to operate a school bus to provide proof to the department that, within
4 the past 4 years, the person has passed an examination described under sub. (2) (h).
5 If a person fails to provide proof required under this subsection, the department shall
6 cancel the person's operator's license as provided under s. 343.20 (1) (d).

7 SECTION 2. 343.12 (4) (a) 2. of the statutes is repealed.

8 SECTION 3. 343.20 (1) (d) of the statutes is amended to read:

9 343.20 (1) (d) The department shall cancel an operator's license that is
10 endorsed for the operation of school buses under s. 343.12 (2), regardless of the
11 license expiration date, if the licensee fails to provide proof to the department that
12 he or she has passed an examination as required under s. 343.12 (2m). The
13 department shall cancel an operator's license that is endorsed for the operation of
14 school buses under s. 343.12 (3), regardless of the license expiration date, if the
15 licensee fails to provide proof to the department of an annual physical examination
16 determining that the person meets the physical standards established under s.
17 343.12 (2) (g). The licensee may elect to surrender the license under s. 343.265 (lm).

18

(END)

d-note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3486/1dn

PEN...:~:~:~

JL

August 23, 1999

Rep. Brandemuehl:

This draft is the provision relating to qualifications for school bus operator endorsements that was included in the Governor's executive budget bill. The draft differs from the drafting request of the Wisconsin School Bus Association dated August 17, 1999, in that the draft does not require a written examination.

Please review this draft carefully to ensure that it reflects your intent.

Paul E. Nilsen
Legislative Attorney
Phone: (608) 261-6926

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3486/1dn
PEN;jlg:km

August 24, 1999

Rep. Brandemuehl:

This draft is the provision relating to qualifications for school bus operator endorsements that was included in the Governor's executive budget bill. The draft differs from the drafting request of the Wisconsin School Bus Association dated August 17, 1999, in that the draft does not require a written examination.

Please review this draft carefully to ensure that it reflects your intent.

Paul E. Nilsen
Legislative Attorney
Phone: (608) 261-6926

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 08/24/1999

To: Representative Brandemuehl

Relating to LRB drafting number: LRB-3486

Topic

School bus operator's endorsement

Subject(s)

Transportation - driver licenses

1. **JACKET** the draft for introduction _____

in the **Senate** or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached See attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Paul E. Nilsen, Legislative Attorney
Telephone: (608) 261-6926

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3486/1dn
PEN:jljg:km

August 24, 1999

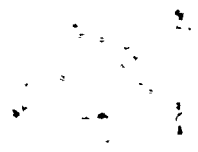
Rep. Brandemuehl:

This draft is the provision relating to qualifications for school bus operator endorsements that was included in the Governor's executive budget bill. The draft differs from the drafting request of the Wisconsin School Bus Association dated August 17, 1999, in that the draft does not require a written examination.

Please review this draft carefully to ensure that it reflects your intent.

Paul E. Nilsen
Legislative Attorney
Phone: (608) 261-6926

Paul - according to Julie Clark of DOT (who provided the language to the School Bus Assoc.) not including the written exam was an oversight in the Gov's Budget, it definitely needs to be there. So could you please redraft?
thanks!
Shir Kravos





1999 BILL

Regen

1 **AN ACT** to repeal 343.12 (4) (a) 2.; to amend 343.20 (1) (d); and to create 343.12
2 (2m) of the statutes; relating to: qualifications for endorsements authorizing
3 the operation of a school bus.

Analysis by the Legislative Reference Bureau

Under current law, no person may operate a school bus unless the person possesses an endorsement issued by the department of transportation (DOT) to operate school buses. DOT is required to issue a school bus endorsement to any applicant for the endorsement who is at least 18 years of age but not more than 70 years of age and who meets the stated requirements, including passing a physical examination. A school bus endorsement is valid for the eight-year duration of the person's operator's license. DOT may, but is not required to, issue a school bus endorsement to any person who is more than 70 years of age and who annually takes and passes a physical examination and satisfies the requirements required of younger school bus operators.

This bill requires each school bus operator to ^{submit to DOT} ~~pass an examination~~, at least once every four years, of his or her ability to safely operate a school bus.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

that the person has passed a knowledge test and a driving skills test

100

100

100

BILL .

1 SECTION 1. 343.12 (2m) of the statutes is created to read:

2 343.12 (2m) The department shall require each person who holds an
3 endorsement to operate a school bus to provide proof to the department that, within
4 the past 4 years, the person, has passed ~~an examination~~ ^{the examinations} described under sub. (2) (h).
5 If a person fails to provide proof required under this subsection, the department shall
6 cancel the person's operator's license as provided under s. 343.20 (1) (d).

and
s. 343.11
(3) (b) ✓

7 SECTION 2. 343.12 (4) (a) 2. of the statutes is repealed.

8 SECTION 3. 343.20 (1) (d) of the statutes is amended to read:

9 343.20 (1) (d) The department shall cancel an operator's license that is
10 endorsed for the operation of school buses under s. 343.12 (2), regardless of the
11 license expiration date, if the licensee fails to provide proof to the department that
12 he or she has passed an examination as required under s. 343.12 (2m). The
13 department shall cancel an operator's license that is endorsed for the operation of
14 school buses under s. 343.12 (3), regardless of the license expiration date, if the
15 licensee fails to provide proof to the department of an annual physical examination
16 determining that the person meets the physical standards established under s.
17 343.12 (2) (g). The licensee may elect to surrender the license under s. 343.265 (lm).

18 (END)

Nilsen, Paul

From: Krause, Sheri
Sent: Thursday, September 09, 1999 2:28 PM
To: Nilsen, Paul
cc: Clark, Julie
Subject: LRB 3486/2

Paul,
Could you please make the changes requested by DOT? Thanks! If you have any questions or problems, please let me know.

Sheri Krause
Rep. Brandemuehl's office
266-1170

-----Original Message-----

From: Clark, Julie
Sent: Thursday, September 09, 1999 1:56 PM
To: Krause, Sheri
Cc: Larson, Beverly; Schwartz, Karen-DMV; Porter, Karen; Bown, Gerald; Guenther, Gary; Kussow, Dave
Subject: FW: Brandenmuhl Proposal

-0902

Sheri: Thanks for sending me a copy of LRB 3486/2 relating to retesting of school bus drivers. I have sent them on to several of our DMV staff to review. Please consider the following changes to the draft. I just talked with Bob Christian and he approves of these changes too. We really need to clarify how those drivers under 70 and over 70 will be handled. This does not change any of the requirements they are now under. Thanks//Julie

343.12(2m) The department shall by rule require each person under 70 years of age who holds an endorsement to operate a school bus to provide proof to the department that within the past 4 years, the person has passed the examinations described under sub. (2) (h) and s. 343.16 (3) (b). The department shall by rule require each person 70 years of age and older who holds an endorsement to operate a school bus to provide proof to the department that within the past 2 years, the person has passed the examinations described under sub. (2) (h) and s. 343.16 (3) (b). If the person fails to provide proof required under this subsection, the department shall cancel the person's operator's license as provided under s. 343.20 (1) (d).

T/c w/ Julie Clark @ DOT 8/10/99 =

endorsement

#. Also amend 343.20 (1)(d) to cancel only endorsement

#. Rewrite language above to
Require individual to be tested as required by rule.
(current draft above imposes duty on DOT, not on individual)

-PEN



3

1999 BILL

INSET

-Note

regen

Current law requires DOT to cancel the entire operators license of a person who is more than 70 years of age, if the license is endorsed for the operation of school buses and the person fails to submit annual proof that he or she has passed a physical examination.

1 AN ACT to repeal 343.12 (4) (a) 2.; to amend 343.20 (1) (d); and to create 343.12
2 (2m) of the statutes; relating to: qualifications for endorsements authorizing
3 the operation of a school bus.

Analysis by the Legislative Reference Bureau

Under current law, no person may operate a school bus unless the person possesses an endorsement issued by the department of transportation (DOT) to operate school buses. DOT is required to issue a school bus endorsement to any applicant for the endorsement who is at least 18 years of age but not more than 70 years of age and who meets the stated requirements, including passing a physical examination. A school bus endorsement is valid for the eight-year duration of the person's operator's license. DOT may, but is not required to, issue a school bus endorsement to any person who is more than 70 years of age and who annually takes and passes a physical examination and satisfies the requirements required of younger school bus operators.

This bill requires each school bus operator to submit to DOT, at least once every four years, that the person has passed a knowledge test and a driving skills test of his or her ability to safely operate a school bus.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

proof

The bill requires DOT to cancel the endorsement of any person who fails to submit proof that he or she has passed the tests and, for any person who is more than 70 years of age, the physical exam. School bus

SECTION 1

BILL

ihw
2-1

SECTION 1. 343.12 (2m) of the statutes is created to read:

343.12 (2m) ~~The~~ department shall require ^{Each} person who holds an endorsement to operate a school bus ~~to~~ ^{shall} provide proof to the department that, within the past 4 years, the person has passed the examinations described under sub. (2) (h) and s. 343.16 (3) (b). If a person fails to provide proof required under this subsection, the department shall cancel the person's ^{school bus endorsement} ~~operator's license~~ as ~~required~~ ^{required} under s. 343.20 (1) (d).

ihw
2-7

in the form and manner required by the department

SECTION 2. 343.1; (4) (a) 2. of the statutes is repealed.

SECTION 3. 343.20 (1) (d) of the statutes is amended to read:

343.20 (1) (d) ^{a licensee's} The department shall cancel ~~an operator's license that is~~ ^{endorsement issued} ~~endorsed for the operation of~~ school buses ~~under s. 343.12 (2)~~, regardless of the license expiration date, if the licensee fails to provide proof to the department that he or she has passed ^{the} ~~an~~ examination ^{as} required under s. 343.12 (2m). The department shall cancel ~~an operator's license that is endorsed for the operation of~~ ^{a licensee's} school buses ^{bus endorsement issued} ~~under s. 343.12 (3)~~, regardless of the license expiration date, if the licensee fails to provide proof to the department of an annual physical examination determining that the person meets the physical standards established under s. 343.12 (2) (g). The licensee may elect to surrender the license under s. 343.265 (1m).

a licensee's

(END)

ihw
2-19

199942000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3486/3ins
PEN.....

1 SECTION 1. 343.12 (2) (a) of the statutes is amended to read:

2 343.12 (2) (a) Subject to sub. (3), is at least 18 years of age and not 70 or more
3 ~~than 70~~ years of age.

History: 1971 c. 213 s. 5; 1973 c. 174, 218; 1975 c. 19, 199; 1977 c. 29 s. 1654 (7) (a); 1977 c. 125; 1977 c. 193 s. 17; 1977 c. 273, 418, 447; 1981 c. 71; 1981 c. 334 s. 25
(1); 1983 a. 175, 459, 480; 1985 a. 337; 1987 a. 3; 1989 a. 105, 176, 359; 1991 a. 39, 277; 1993 a. 16; 1995 a. 113.

4 SECTION 2. 343.12 (3) of the statutes is amended to read:

5 343.12 (3) The department may issue a school bus endorsement to a person who
6 is 70 or more ~~than 70~~ years of age if the person meets the requirements specified in
7 sub. (2) (c) to (f) and (h) before issuance of the endorsement and annually takes and
8 passes a physical examination prior to issuance or renewal of the endorsement to
9 determine that the person meets the physical standards established under sub. (2)
10 (g).

History: 1971 c. 213 s. 5; 1973 c. 174, 218; 1975 c. 19, 199; 1977 c. 29 s. 1654 (7) (a); 1977 c. 125; 1977 c. 193 s. 17; 1977 c. 273, 418, 447; 1981 c. 71; 1981 c. 334 s. 25
(1); 1983 a. 175, 459, 480; 1985 a. 337; 1987 a. 3; 1989 a. 105, 176, 359; 1991 a. 39, 277; 1993 a. 16; 1995 a. 113.

11 SECTION 3. 343.43 (2) of the statutes is amended to read:

J 12 343.43 (2) Whenever a license or identification card which appears to be altered
13 is displayed to a law enforcement officer, agent of the secretary or the court, that
2-19 14 person shall take possession of the license or identification card and return it to the
15 department for cancellation. A notation of change of address properly indorsed on
16 the license under s. 343.22 ~~shall not of itself be, or cancellation of a school bus~~
17 endorsement under s. 343.20 (1) (d), is not sufficient reason to consider the license
18 altered.

History: 1975 c. 5, 199; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 360, 447; 1979 c. 306; 1981 c. 20 s. 1848r; 1983 a. 36, 534; 1989 a. 105; 1991 a. 189, 230.

(end insert)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3486/3dn

PEN...
King

September 13, 1999

I'm not sure that law enforcement officers, employers & other will know that an endorsement has been "cancelled" under the treatment of s. 343.20 (1) (d) unless the license document is physically altered to reflect the cancellation. Do you want to allow DOT to require surrender of the endorsed license? I think current s. 343.35 will not allow that, since only the endorsement is cancelled and not the person's operating privilege, as defined in s. 340.01. The voluntary surrender provisions under s. 343.265 will apply. *(40)*

I amended s. 343.43 (2) to allow "cancelation" of a school bus endorsement by physical alteration of the license document. *Ok?* The treatment of 343.43 (2) may not be necessary if DOT requires the surrender of a cancelled endorsement and reissues a new (unendorsed) license document. *s.*

or herself
and I amended *s. 343.12* (2) (a) and (3) to resolve an ambiguity. I assume that a person who reaches his *or her* 70th birthday is "more than 70 years of age", since a person who calls himself "70" has already lived for 70 years when he "turns" 70. I amended *s. 343.12* (2) (a) (3) to describe persons "70 or more years of age" to clarify that those sections apply to 70-year-olds, and not only to those "more than 70" years old (e.g., 71 or older). This change is consistent with DOT's interpretation under ss. Trans. 104.10 (1) (f) and 112.03 (3) (c), Wis. Adm. Code. *or she*

Paul E. Nilsen
Legislative Attorney
Phone: (608) 261-6926

Nilsen, Paul

From: Krause, Sheri
Sent: Wednesday, September 29, 1999 4:21 PM
To: Nilsen, Paul
Subject: FW: I'm sending you LRB 34886/3 re. school bus retesting

Do you see any problems w/ making these suggested changes?

-----Original Message-----

From: Clark, Julie
Sent: Wednesday, September 29, 1999 4:15 PM
To: Nilsen, Paul; Krause, Sheri
cc: Larson, Beverly; Schwartz, Karen-DMV; Guenther, Gary; Bown, Gerald
Subject: FW: I'm sending you LRB 34886/3 re. school bus retesting

Paul/Sheri. We have reviewed LRB 3486/3 and have the following comments:

- 1) We need to include language that would allow us to continue our practice of requiring skills and knowledge tests for person 70 years of age or older at 2 year intervals. (See Gary Guenther's memo below)
- 2) The changes to Section 6 are not necessary. An address change cannot be made on the DL document. Present law requires a new license be issued. Also a driver cannot hold a DL with an endorsement that is not valid. They must have a document that reflects the current valid classes/endorsements.

Julie:
Paul did not include the language as submitted that would continue our practice of skills and knowledge testing persons 70 years of age or older at 2 year intervals. We currently do this under 343.20(c). (The language there is vague and we want it clarified that this is what is required) **The way that the revision is worded would only address testing at original issuance and at 4 year intervals which in my opinion would conflict. We also require a med report for under 70 year old SB drivers under 343.20(c). I don't see a conflict there.**

His clarification of what 70 year old means in 343.12(2)(a) and 343.12(3) is fine as it is how we have interpreted this anyway and have required 70 year olds and older to submit the annual medical report.

It has been our practice to send a cancellation notice out to the person and inform them that a new license without the endorsement must be issued. Law enforcement would be aware of a cancellation simply because it is their practice to get a current record when stopping an individual. Employers on the notification program would be informed of the bad status and I believe that the person is also required to inform their employer of bad statuses.

I don't think there is a need for any change in 343.43(2) considering that we do not allow alteration.

I discussed the issue of the 2 year testing intervals with the WSBA Board of Directors and they want us to continue. I think that the language clarifying under 70 at 4 year intervals and 70 or more at 2 year intervals needs to be added to this.

Handwritten circled number 14

1999 BILL

Handwritten circled note: Note

Handwritten circled word: Repeal

1 **AN ACT to repeal 343.12 (4) (a) 2.; to amend 343.12 (2) (a), 343.12 (3), 343.20 (1)**
 2 **(d) and 343.43 (2); and to create 343.12 (2m) of the statutes; relating to:**
 3 **qualifications for endorsements authorizing the operation of a school bus.**

Analysis by the Legislative Reference Bureau

Under current law, no person may operate a school bus unless the person possesses an endorsement issued by the department of transportation (DOT) to operate school buses. DOT is required to issue a school bus endorsement to any applicant for the endorsement who is at least 18 years of age but not more than 70 years of age and who meets the stated requirements, including passing a physical examination. A school bus endorsement is valid for the eight-year duration of the person's operator's license. DOT may, but is not required to, issue a school bus endorsement to any person who is more than 70 years of age and who annually takes and passes a physical examination and satisfies the requirements required of younger school bus operators.

This bill requires each school bus operator ^{under 70 years of age} to submit to DOT, at least once every four years, proof that the person has passed a knowledge test and a driving skills test of his or her ability to safely operate a school bus. ^{required} The bill requires DOT to cancel the school bus endorsement of any person who fails to submit proof that he or she has passed the tests ~~and, for any person who is more than 70 years of age, the physical exam.~~ Current law requires DOT to cancel the entire operator's license of a person who is more than 70 years of age, if the license is endorsed for the operation of school buses and the person fails to submit annual proof that he or she has passed a physical examination.

#2 This bill requires DOT to cancel only the endorsement, not the entire operator's license.

#1 The bill requires school bus operators who are 70 or more years of age to submit proof of passing a knowledge test, driving skills test and physical exam every two years.

BILL

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 343.12 (2) (a) of the statutes is amended to read:

343.12 (2) (a) Subject to sub. (3), is at least 18 years of age and not 70 or more ~~than 70~~ years of age.

SECTION 2. 343.12 (2m) of the statutes is created to read:

343.12 (2m) Each person ^{under 70 years of age} who holds an endorsement to operate a school bus shall provide proof to the department that, within the ^{preceding} ~~past~~ 4 years, the person has passed the examinations described under sub. (2) (h) and s. 343.16 (3) (b). If a person fails to provide proof required under this subsection in the form and manner required by the department, the department shall cancel the person's school bus endorsement as required under s. 343.20 (1) (d).

SECTION 3. 343.12 (3) of the statutes is amended to read:

343.12 (3) The department may issue a school bus endorsement to a person who is 70 or more ~~than 70~~ years of age if the person meets the requirements specified in sub. (2) (c) to (f) and (h) before issuance of the endorsement and annually takes and passes a physical examination prior to issuance or renewal of the endorsement to, ^{Each person ~~is~~ 70 years of age or older who holds an endorsement to operate a school bus shall provide proof to the department that, within the preceding 2 years, the person has passed the examinations described under sub. (2) (h) and s. 343.16 (3) (b).} determine that the person meets the physical standards established under sub. (2) (g).

SECTION 4. 343.12 (4) (a) 2. of the statutes is repealed.

SECTION 5. 343.20 (1) (d) of the statutes is amended to read:

343.20 (1) (d) The department shall cancel a licensee's school bus endorsement issued under s. 343.12 (2). regardless of the license expiration date. if the licensee

BILL

1 fails to provide proof to the denartment that he or she has passed the examinations
2 as required under s. 343.12 (2m). The department shall cancel ~~an operator's license~~
3 ~~that is endorsed for the operation of a licensee's school buses~~ bus endorsement issued
4 under s. 343.12 (3), regardless of the license expiration date, if the licensee fails to
5 provide proof to the department of an annual physical examination determining that
6 the person meets the physical standards established under s. 343.12 (2) (g). The
7 licensee may elect to surrender the license under s. 343.265 (1m).

8 **SECTION 6.** 343.43 (2) of the statutes is amended to read:

9 343.43 (2) Whenever a license or identification card which appears to be altered
10 is displayed to a law enforcement officer, agent of the secretary or the court, that
11 person shall take possession of the license or identification card and return it to the
12 department for cancellation. A notation of change of address properly indorsed on
13 the license under s. 343.22 ~~shall not of itself be, or cancellation of a school bus~~
14 endorsement under s. 343.20 (1) (d), is not sufficient reason to consider the license
15 altered.

16 (END)

b-3486/48n

¶ Regarding Julie Clark's statement of current law

regarding address changes, NO ¶
NO ¶ current law does not require a person
to obtain
a new license whenever he or she
moves from the address shown on the license.

See s. 343.22(2)(b), STATS. Do you

want to correct this legislative

oversight to reflect DOT's practice?

(apparent)

I do not understand how this draft

affects ~~the~~ DOT's ~~own~~ authority

under s. 343.20(1)(c), STATS. Please clarify

DOT's concerns.

-KEN

**DRAFTERS NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3486/4dn
PEN:kmg&jlg:mrc

October 8, 1999

Regarding Julie Clark's statement of current law regarding address changes, current law does not require a person to obtain a new license whenever he or she moves from the address shown on the license. See s. 343.22 (2) (b), stats. Do you want to correct this legislative oversight to reflect DOT's (apparent) practice?

I do not understand how this draft affects DOT's authority under s. 343.20 (1) (c), stats. Please clarify DOT's concerns.

Paul E. Nilsen
Legislative Attorney
Phone: (608) 261-6926

**SUBMITTAL
*FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 10/11/1999

To: Representative Brandemuehl

Relating to LRB drafting number: LRB-3486

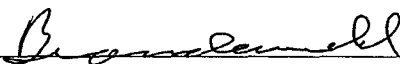
Topic

School bus operator's endorsement

Subject(s)

Transportation - driver licenses

1. **JACKET** the draft for introduction _____



in the **Senate** or **the Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Paul E. Nilsen, Legislative Attorney
Telephone: (608) 261-6926

Nilsen, Paul

From: Clark, Julie
Sent: Thursday, October 14, 1999 4:26 PM
To: Krause, Sheri; Nilsen, Paul
cc: Guenther, Gary; Schwartz, Karen-DMV
Subject: FW: LRB3486/4 school bus retesting

Sheri/Paul; LRB3486/4 looks fine. Gary Guenther, our school expert, has responded to Paul's questions below....thanks//Julie

-----Original Message-----

From: Guenther, Gary
Sent: Wednesday, October 13, 1999 3:46 PM
To: Clark, Julie
Subject: RE: LRB3486/4 school bus retesting

Julie:
I reviewed this proposal and think that it meets with what we were trying to accomplish. I also shared it with Bob Christian of the WSBA and he felt comfortable with it also.

Regarding Paul's questions; Holders of **CDLs** (a majority of school bus operators) must get a duplicate license for a change of address. Paul is right that non-cdls can effect the change on their license, but there are very few school buses that fall in this category.

Secondly, adding the 2 year testing language for 70 and older, clarifies this issue in the statutes because **343.20(1)(c)** is rather vague. Also, I didn't know if there would be a conflict on when we could test should the language in **343.12(2m)** indicate that all school bus testing would be done at original issuance and at 4 year periods.

Gary



STEPHEN R. MILLER
CHIEF

State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

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REFERENCE SECTION, (606) 266-0341
REFERENCE FAX: (606) 266-5646

February 1, 2000

MEMORANDUM

To: Representative David Brandemuehl

From: Paul E. Nilsen, Legislative Attorney, (608) 26 1-6926
Paul Nilsen

Subject: 1999 Assembly Bill 590; relating to qualifications for school bus operators

There is an error in the analysis to 1999 Assembly Bill 590. The analysis incorrectly states that the bill requires physical exams every two years for school bus operators who are 70 or more years of age.

Under current law, any person who is 70 or more years of age and who is authorized to operate school buses is annually required to pass a physical exam [s. 343.12 (3), stats.] and to provide proof of the satisfactory exam to the department of transportation. 1999 Assembly Bill 590 does not change this requirement.