1999 DRAFTING REQUEST

Bill

2

Received:11/	08/1999	Received By: nilsepe		
Wanted: As t	ime permits	Identical to LRB:		
For: Tom Sy	kora (608) 266-1194	By/Representing: sarah		
This file may	be shown to any legislator: NO	Drafter: nilsepe		
May Contact:		Alt. Drafters:		
Subject:	Transportation - traffic laws	Extra Copies: TNF TNF		

Pre Topic:

No specific pre topic given

Topic:

Owner liability for improperly passing school bus on the right

Instructions:

See Attached

Drafting History: Reviewed Submitted Required Vers. Drafted Typed Proofed Jacketed I? nilsepe csicilia 1 1/08/1999 1 1/17/1999 lrb-docadmin /1 kfollet lrb-docadmin 1 1/17/1999 1 1/17/1999 1 1/19/1999

FE Sent For:

<END>

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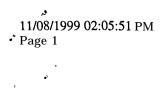
See Attached

Drafting History:

Vers.	Drafted	Reviewed	<u>Typed</u>	Proofed	<u>Submitted</u>	Jacketed	<u>Reauired</u>
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STATE OF WISCONSIN -LEGISLATIVE REFERENCE BUREAU-LEGAL SECTION (608-266-3561)

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State af Misconsin 1999 - 2000 LEGISLATURE

LRB-3908PEN(A,Y)

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION (

AN ACT, relating to: motor vehicle owner liability for overtaking and passing a school bus on the right.

Analysis by the Legislative Reference Bureau

Current law generally requires motorists to overtake and pass to the left of slower moving vehicles traveling in the same direction. An exception allows passing a vehicle to the right, but only when such passing may be done safely and without driving off the paved portion of the roadway, and only when the overtaken vehicle is making or about to make a left turn or is upon roadway with unobstructed pavement of sufficient width to accommodate for more lanes of traffic traveling in the direction in which the passing vehicle is proceeding.

Current law also allows a school bus driver who observes a vehicle unlawfully pass a school bus (passing while the school bus is stopped on the road and is displaying flashing red warning lights) to report the violation to a law enforcement officer. The officer may, after investigating the report, issue a citation to the owner of the vehicle for the violation.

This bill allows a school bus driver who observes a motorist unlawfully pass a school bus to the right to report the violation to a law enforcement officer. The officer may, after investigating the report, issue a citation to the owner of the vehicle for the violation. No demerit points are assessed to a vehicle owner found guilty of the violation. Current law provides the vehicle's owner with exemptions from liability if the vehicle was reported stolen within a reasonable time after the time of the violation; if the owner identifies the driver who committed the violation and the driver admits to driving the vehicle at the time of the violation; or if the owner is a

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lessor or dealer of vehicles and the vehicle was in another's possession at the time of the violation.

	The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:
1	SECTION 1. 346.485 (2) (intro.) of the statutes is amended to read: κ
2	346.485 (2) The operator of a school bus who observes a violation of <u>s. 346.08</u>
3	involving a vehicle overtaking and passing a school bus or a violation of s. 346.48 (1)
4	may prepare a written report indicating that a violation has occurred. If possible,
5	the report shall contain the following information:
6	History: 1981 c. 168; 1983 a. 243,252; 1991 a. 21. SECTION 2. Initial applicability.
7	(1) This act irs t applies to violations of section 346.08 observed on the effective
8	date of this subsection.
9	(END)

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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: 1 1/17/1999

To: Representative Sykora

Relating to LRB drafting number: LRB-3908

<u>Topic</u>

Owner liability for improperly passing school bus on the right

Subject(s)

Transportation - traffic laws

1. JACKET the draft for introduction ______ Om Spensor

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

