

**1999 DRAFTING REQUEST**

**Bill**

Received: **11/08/1999**

Received By: **nilsepe**

Wanted: **As time permits**

Identical to LRB:

For: **Tom Sykora (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:**

<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 1 1/08/1999	csicilia 1 1/17/1999		_____			
/1			kfollet 1 1/17/1999	_____	lrb-docadmin 1 1/17/1999	lrb-docadmin 1 1/19/1999	

FE Sent For:

<END>

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/?	nilsepe	1 g <sup>s</sup> 11/17 99	Kjf 11/17	Kjf/Km 11/17			

FE Sent For:

<END>

- 11/15 Sara Sykora bill request L-11 95

school buses passing on right side

owner liability for passing school bus on right side

# A.M. 346.485 (2) " S. 346.48 (1) involving vehicle  
346.08 overtaking and  
passing school bus

initial app - vids of 346.08  
observed on eff date



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-3908/2

PEN.....

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Se -  
cat

- 1 AN ACT relating to: motor vehicle owner liability for overtaking and passing
- 2 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

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

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***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:

2 346.485 (2) The operator of a school bus who observes a violation of ~~s. 346.08~~ ✓  
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 first 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:** 1/17/1999

**To:** Representative Sykora

**Relating to LRB drafting number:** LRB-3908

**Topic**

Owner liability for improperly passing school bus on the right

**Subject(s)**

Transportation - traffic laws

1. **JACKET** the draft for introduction Tom Sykora  
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



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