

2001 DRAFTING REQUEST

Bill

Received: 03/09/2001

Received By: fasttn

Wanted: As time permits

Identical to LRB:

For: Richard Grobschmidt (608) 266-7505

By/Representing: Lisa Moen (aide)

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Transportation - motor vehicles

Extra Copies: TNF, PJH

Submit via email: NO

Requester's email:

Pre Topic:

No specific pre topic given

Topic:

Crossing gates on school buses

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>
/1	agary 04/17/2001	gilfokm 04/17/2001	pgreensl 04/19/2001	_____	lrb_docadmin 04/20/2001	lrb_docadminState 04/25/2001	
				_____		lrb_docadmin	
				_____		04/25/2001	

FE Sent For:

→ At Intro.

04/20/2001 01:21:30 PM

Page 1

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<END>

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1?	agary	1-4/12-01 KMG	4/19 PS	4/19 PS/JS			State

FE Sent For:

<END>

Fast, Timothy

From: Moen, Lisa
Sent: Friday, March 09, 2001 3:54 PM
To: Fast, Timothy
Subject: bill draft

Tim,
I'm not sure if you'd be the one to do this draft or not. Senator Grobschmidt would like a bill drafted that would require safety gates on the front of school buses. He believe's that there has been a similar bill drafted a number of years ago. This is in response to an accident in our district where a 5 year old was run over by a school bus. The report indicated that they believe that the tragedy could have been avoided had there been safety gates on the bus.

It is his undersstanding that the device would, when the bus is stopped, extend forward from the front of the bus. The ppurpose would be to require exiting passengers to walk far enough in front of the bus so that the driver could see the passenger moving into the path of the bus. Senator Grobschmidt thinks that Laidlaw bus Company has these devices because they are a national company and a number of states do require these devices.

Please give me a call if you have any questions or if this is not your area of drafting. I can pass it on to the appropriate person. Thanks.

Lisa Moen
Senator Grobschmidt's office.



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-2862/1

ARG: y:...

King

2001 BILL

J-Note

1 AN ACT ^{Jan. Act.}; relating to: requiring crossing gates on school buses, granting
2 rule-making authority, and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, school buses must be painted yellow and black and must have the words "SCHOOL BUS" in black letters at least 8 inches high written on the front and back of the bus. A school bus painted in this manner may not be operated unless it is equipped with flashing red signals and with a 360-degree flashing white strobe light. Current law also allows the department of transportation (DOT) to prescribe rules requiring additional equipment for school buses. These DOT rules currently require every school bus painted yellow and black to be equipped with a stop signal arm, and also provide specifications for the stop signal arm. These rules also allow, but do not require, a school bus to be equipped with a safety control arm mounted on the right side of the bumper. ^{that is}

the rules

This bill requires any school bus, ^{that is} painted yellow and black to be equipped with a retractable crossing gate ^{on the front,} on the front of the bus that, when in use, prevents children from crossing in front of the bus in such proximity that they are not visible to the bus driver. The bill also requires DOT to prescribe rules for the specifications, installation, and operation of these crossing gates. Any person who operates a school bus that is not equipped with the required crossing gate may be required to forfeit not less than \$10 nor more than \$200.

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

: BILL

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

1 SECTION 1. 347.445 of the statutes is created to read:

2 347.445 Crossing gates for school buses. No person may operate a school
3 bus ~~which~~^{that} is painted as provided in s. 347.44 unless it is equipped with a retractable
4 crossing gate on the front of the bus that, when in use, prevents children from
5 crossing in front of the school bus in such proximity that they are not visible to the
6 operator of the school bus from the operator's seat. The secretary shall prescribe
7 rules for the specifications, installation, and operation of crossing gates required
8 under this section.

9 SECTION 2. Effective date.

10 (1) This act takes effect on the first day of the 7th month beginning after
11 publication.

12 (END)

J-Note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2862/1dn

ARG: k:...

mg

1. The attached draft incorporates the general penalty for equipment violations under ch. 347. Is this satisfactory?
2. The attached draft requires all school buses to be equipped with crossing gates. This will require retrofitting all existing school bus fleets with crossing gates, which may entail significant expense to those operating school bus fleets. Do you want to limit the requirement that school buses be equipped with crossing gates to those school buses that are either: (a) purchased (or purchased as a new vehicle) after the effective date of the statute, or (b) manufactured after a specified date?
3. The attached draft requires school buses to be equipped with crossing gates, but delegates to the department of transportation (DOT) the responsibility for prescribing rules setting forth the details of specifications and installation of the crossing gates. The attached draft also delegates to DOT the responsibility for prescribing rules relating to operation of the crossing gates, including when the crossing gates must be used by school bus operators. DOT has prescribed similar rules for stop signal arms for school buses. See Transportation Code 300.16 (9), 300.64. Is this grant of rule-making authority satisfactory?
(S.A. Trans A) and Wis. Adm. Code
4. The attached draft includes a delayed effective date of approximately six months to allow DOT to promulgate the rules required by the bill. If you want the bill to require retrofitting of existing school bus fleets (as discussed in item 2), a longer delayed effective date may be advisable.
time

above

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2862/1dn
ARG:kmg:pg

April 19, 2001

1. The attached draft incorporates the general penalty for equipment violations under ch. 347. Is this satisfactory?
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4. The attached draft includes a delayed effective date of approximately six months to allow DOT time to promulgate the rules required by the bill. If you want the bill to require retrofitting of existing school bus fleets (as discussed in item 2., above), a longer delayed effective date may be advisable.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

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CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

April 20, 2001

MEMORANDUM

To: Senator Grobschmidt

From: Arron R. Gary, Attorney

Re: LRB-2862/1 Crossing gates on school buses

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 261-6926 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.