

SENATE HEARING SLIP

(Please Print Plainly)

88 21

DATE: 8/29/01

BILL NO. SB 228

OR

SUBJECT College Care

(NAME) Robert W. Christman

(Street Address or Route Number) 1015 - Fair Ave

(City and Zip Code) Sheboygan, WI 53082

(Representing) WIS School Bus Assn

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 8/29/01

BILL NO. SB 228

OR

SUBJECT

(NAME) Merry Larsen

(Street Address or Route Number)

(City and Zip Code)

(Representing) Dept of Public Instruction

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 08/29/01

BILL NO. SB 228

OR

SUBJECT

(NAME) Jeff Lorenz, Jr

(Street Address or Route Number)

(City and Zip Code)

(Representing) DOT - State Assn

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 8/22/01

BILL NO. SB 228

OR

SUBJECT _____

Annunzio Murryan
(NAME)

133 E Day St Ste 208
(Street Address or Route Number)

Madison WI 53703
(City and Zip Code)

Family Research Forum
Family Research Institute
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: August 29, 2001

BILL NO. SB 228

OR

SUBJECT School Bus Regulations

Chris Snyder
(NAME)

150 E. Gilman St. Ste 4
(Street Address or Route Number)

Madison WI 53705
(City and Zip Code)

WI. Automobile and Truck Dealer Assoc
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 29 Aug. 2001

BILL NO. SB 228

OR

SUBJECT _____

Joseph A. Quick
(NAME)

545 W. Dayton St.
(Street Address or Route Number)

Madison 53703
(City and Zip Code)

Madison Metropolitan School Dist
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 8/28/01

BILL NO. SB 228

OR
SUBJECT _____

Rep. Scott Sudler
(NAME)

21 North
(Street Address or Route Number)

Capitol
(City and Zip Code)

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

Vote Record

Senate - Committee on Insurance, Tourism, and Transportation

Date: 8/29/01
 Moved by: Breske Seconded by: _____
 Clearinghouse Rule: _____

AB: _____ SB: 228 Appointment: _____
 AJR: _____ SJR: _____ Other: _____
 AR: _____ SR: _____

A/S Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____
 A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

Be recommended for:

- Passage
- Introduction
- Adoption
- Rejection

- Indefinite Postponement
- Tabling
- Concurrence
- Nonconcurrence
- Confirmation

Committee Member

Sen. Roger Breske, Chair
 Sen. Richard Grobschmidt
 Sen. Jim Baumgart
 Sen. Alan Lasee
 Sen. Dale Schultz

<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: _____

Motion Carried

Motion Failed

Vote Record

Senate - Committee on Insurance, Tourism, and Transportation

Date: 8/29/01
Moved by: _____
Seconded by: _____
Clearinghouse Rule: _____
Appointment: _____
Other: _____

AB: _____ SB: 228
AJR: _____ SJR: _____
AR: _____ SR: _____

A/S Amdt: _____
A/S Amdt: _____ to A/S Amdt: _____
A/S Sub Amdt: _____
A/S Amdt: _____ to A/S Sub Amdt: _____
A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

- Be recommended for:
- Passage
 - Introduction
 - Adoption
 - Rejection
 - Indefinite Postponement
 - Tabling
 - Concurrence
 - Nonconcurrence
 - Confirmation

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Sen. Roger Breske, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Richard Grobschmidt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Jim Baumgart	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Alan Lasee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Dale Schultz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: _____



**WISCONSIN LEGISLATIVE COUNCIL
STAFF MEMORANDUM**

TO: MEMBERS OF THE SENATE COMMITTEE ON INSURANCE, TOURISM, AND
TRANSPORTATION

FROM: Joyce L. Kiel, ^{JLK} Senior Staff Attorney

RE: Senate Amendment __ (LRBa0646/1) to 2001 Senate Bill 228, Relating to School Buses and
Alternative Motor Vehicles Used for Pupil Transportation

DATE: August 28, 2001

This memorandum describes: (1) current law; (2) 2001 Senate Bill 228, relating to school buses and alternative motor vehicles used for pupil transportation; and (3) Senate Amendment __ (LRBa0646/1) to Senate Bill 228. Senate Bill 228 was introduced by Senators Breske and Cowles; cosponsored by Representative Olsen and others. It was referred to the Senate Committee on Insurance, Tourism, and Transportation, which has scheduled a public hearing on the bill on August 29, 2001.

CURRENT LAW

General Background

School boards are required to provide transportation to school pupils under certain circumstances. [See generally, s. 121.54, Stats.] School boards are authorized to use one of several methods specified in s. 121.55, Stats., to provide transportation. The methods include:

1. Contract with a common carrier, a taxi company, or other parties.
2. Contract with the parent or guardian of the pupil to be transported.
3. Contract with another school board, a cooperative educational service agency, or a private school or private school association.
4. Purchase and operation of a motor vehicle.

In general, a "school bus" is defined as: (1) a motor vehicle which carries 10 or more passengers (in addition to the operator) for certain purposes, including transporting pupils to or from school or other activities; or (2) a motor vehicle that is specially painted as an identifiable school bus. There are various

exceptions in the definition of "school bus," one of which is affected by the bill and is discussed below. A copy of s. 340.01 (56), Stats., defining "school bus" is attached.

If a motor vehicle meets the definition of a "school bus," the statutory provisions relating to school buses apply. These include: (1) the requirement that the vehicle be painted national school bus glossy yellow; (2) the requirement that the operator have a school bus endorsement to his or her operator's license; (3) the requirement to have certain amounts of insurance; and (4) rules that the Secretary of Transportation is required by statute to adopt covering the design, construction, inspection, and operation of school buses.

Alternative Methods

Section 121.555, Stats., provides that a school board or the governing body of a private school may provide pupil transportation services by two "alternative" methods. This statute does not specify what the methods are alternatives to. However, the alternatives in s. 121.555 are generally viewed as alternatives to school buses.¹ In fact, the definition of "school bus" specifies that it does not include: "A motor vehicle operated as an alternative method of transportation under s. 121.555." [s. 340.01 (56) (b) 2., Stats.]

The two alternative methods are as follows:

(a) A motor vehicle transporting *9 or less passengers* in addition to the operator.

(b) A motor vehicle transporting *10 or more passengers* in addition to the operator and used temporarily to provide transportation for purposes specified under s. 340.01 (56) (a) when the school board or the governing body requests the secretary of transportation to determine that an emergency exists because no regular transportation is available. The secretary of transportation shall approve or deny the request in writing. Any authorization granted under this paragraph shall specify the purpose and need for the emergency transportation service. [s. 121.555 (1) (a) and (b), Stats.]

The first alternative method [s. 121.555 (1) (a)] means that a school board could, for example, transport (or contract with an individual to transport) seven pupils in a van, even if the van were designed for 12 passengers. As for the second alternative method which applies in an emergency and on a temporary basis [s. 121.555 (1) (b)], it appears that it has almost never been used.²

¹ According to the Legislative Reference Bureau analysis to 1983 Assembly Bill 480, which was enacted as 1983 Wisconsin Act 127 and created s. 121.555, this provision was an alternative to school buses.

² Of the several Department of Public Instruction and Department of Transportation (DOT) officials I spoke with, most had no recollection of its ever being used. However, one DOT official recollected that it may have been used once following a fire in a school bus barn.

2001 SENATE BILL 228

Provisions of the Bill

Senate Bill 228 makes the following changes to current statutes:

1. It amends the first alternative method [s. 121.555 (1) (a)] to refer to a motor vehicle that is designed *and* used to transport nine or fewer passengers, rather than simply referring to a motor vehicle that is transporting nine or fewer passengers.
2. It amends the second (emergency, temporary) alternative method [s. 121.555 (1) (b)] to refer to a motor vehicle that is “designed to transport,” rather than “transporting,” 10 or more passengers.
3. It amends the definition of “school bus,” in pertinent part, to refer to a motor vehicle that is “designed *and* being used to transport 10 or more passengers” [emphasis added], rather than referring to a motor vehicle “which carries 10 or more passengers.”

Effect of the Bill

The following examples illustrate the effect of the bill:

Example 1. *A motor vehicle designed for 12 passengers that is transporting 8 pupils.*

Under the bill:

- a. In contrast to current law, it could not be used as an alternative method vehicle under s. 121.555 (1) (a) (first alternative method).
- b. In contrast to current law, it could be used as an alternative method vehicle under s. 121.555 (1) (b) (second alternative method) *only if* special authorization were obtained from the Secretary of Transportation on a temporary basis in an emergency.
- c. In contrast to current law, it would not be defined as a “school bus” because it did not meet the second part of the bill’s two-part test of: (1) designed for 10 or more passengers; *and* (2) being used to transport 10 or more passengers. This means that such a vehicle would *not* be considered a school bus, even if it otherwise met the requirements for design, construction, and operation of a school bus.

Example 2. *A motor vehicle designed for 9 passengers that is transporting 10 pupils.*

Under current law, unless an exception applies, every motor vehicle which carries 10 or more pupils must comply with all school bus requirements. This means that even if the vehicle were being used inappropriately to carry more pupils than it was designed to carry (as in this example), all of the school bus requirements would apply. Among other things, this could lead to penalties for an operator who did not have a school bus endorsement and penalties for failure to comply with DOT rules regarding design, construction, and operation of school buses, including the rule that prohibits transportation of passengers in excess of capacity. [s. Trans 300.33 (2), Wis. Adm. Code.]

However, *under the bill*, the vehicle would not be defined as a "school bus" because it did not meet the first part of the bill's two-part test of: (1) designed for 10 or more passengers; *and* (2) being used to transport 10 or more passengers. Therefore, it appears that the penalties relating to failure to comply with school bus statutes would *not* apply.³

SENATE AMENDMENT — (LRBa0646/1) TO 2001 SENATE BILL 228

Senate Amendment __ (LRBa0646/1) to Senate Bill 228 amends the definition of "school bus," in pertinent part, to refer to a vehicle that is designed to transport *or* is used to transport 10 or more passengers. This is in contrast to the bill which defines "school bus" as a vehicle that is designed *and* being used to transport 10 or more passengers. The amendment also uses parallel language for the first alternative method, but this is not a substantive change to the bill.

With the amendment, the effect of the bill with regard to the above examples is as follows:

Example 1. *A motor vehicle designed for 12 passengers that is transporting 8 pupils.*

- a. No change to the bill for item a., under Example 1., above.
- b. No change to the bill for item b., under Example 1., above.
- c. In contrast to the bill, with the amendment the vehicle would be defined as a "school bus" because it is designed to transport 10 or more passengers, even if fewer than 10 passengers are being transported. Therefore, the vehicle would have to meet all of the requirements that apply to school buses, unless it is approved by the Secretary of Transportation as an alternative method vehicle on a temporary basis in an emergency (second alternative method).

Example 2. *A motor vehicle designed for 9 passengers that is transporting 10 pupils.*

- a. No change to the bill for item a., under Example 2., above.
- b. No change to the bill for item b., under Example 2., above.
- c. In contrast to the bill, with the amendment the vehicle would be defined as a "school bus" because it is used to transport 10 or more passengers. Therefore, the vehicle would have to meet all of the requirements that apply to school buses, unless it is approved by the Secretary of Transportation as an alternative method vehicle on a temporary basis in an emergency (second alternative method).

If you have any questions about this matter, please feel free to contact me at 266-3137, at the Legislative Council Staff offices.

JLK:tlu:wu;tlu
Attachment

³ Under certain circumstances, penalties relating to seat belt use may apply.

Section 340.01 (56), Stats.

340.01 (56) "School bus":

(a) Means a motor vehicle which carries 10 or more passengers in addition to the operator or a motor vehicle painted in accordance with s. 347.44 (1) for the purpose of transporting:

1. Pupils to or from a public school as defined in s. 115.01 (1) or a private school as defined in s. 115.001 (3r) or pupils to or from a technical college when required under s. 118.15 (1).
2. Pupils to or from curricular or extracurricular activities.
3. Pupils to or from religious instruction on days when school is in session.
4. Children with disabilities, as defined under s. 115.76 (5), to or from an educational program approved by the department of public instruction.

(am) Means a motor vehicle which is painted in accordance with s. 347.44 (1) and is used for the purpose of transporting disabled persons as defined in s. 85.21 (2) (cm) or elderly persons as defined in s. 85.22 (2) (b) in connection with any transportation assistance program for elderly or disabled persons.

(b) Does not include:

1. A motor vehicle owned or operated by a parent or guardian transporting only his or her own children, regardless of whether a school has made a contract with or paid compensation to such parent or guardian for such transportation.
2. A motor vehicle operated as an alternative method of transportation under s. 121.555.
3. A motor bus operated for purposes specified in par. (a) 2.
4. A motor vehicle operated in an urban mass transit system as defined in s. 85.20 (1) (e) and (L).