

2003 SENATE BILL 350

AN ACT *to repeal* 121.555 (2) (c) 5., 343.12 (2) (d) and 343.12 (2) (e); *to renumber* 343.12 (5) and 343.20 (1) (d); *to amend* 121.52 (2) (b), 343.12 (2) (intro.), 343.12 (4) (b), 343.21 (1) (c) to (e), 343.23 (2) (a) (intro.), 343.237 (title) and (2), 343.237 (3) (intro.), 343.237 (3) (a), 343.237 (3) (c) (intro.) and 343.237 (3) (d), (4m), (5), (6), (7), (8) and (10); and *to create* 121.52 (5), 121.555 (3), 121.555 (4), 121.555 (5), 121.555 (6), 121.555 (7), 121.555 (8), 343.12 (2) (dm), 343.12 (2) (em), 343.12 (6), 343.12 (7), 343.12 (8), 343.20 (1) (d) 2. and 343.21 (3) of the statutes; **relating to:** qualifications for endorsements authorizing the operation of a school bus and for operators of certain other motor vehicles transporting pupils, school board contracts for the transportation of pupils, studying the use of video cameras on school buses and the training of operators of school buses and certain other motor vehicles transporting pupils, extending the time limit for emergency rule procedures, providing an exemption from emergency rule

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procedures and from rule-making procedures, granting rule-making authority, making an appropriation, and providing penalties.

Analysis by the Legislative Reference Bureau

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

1 **SECTION 1.** 121.52 (2) (b) of the statutes is amended to read:

2 121.52 **(2)** (b) The owner or lessee of all privately owned motor vehicles
3 transporting pupils for compensation shall be under written contract with the school
4 board of the district for which such transportation is provided. The contract shall
5 require the owner or lessee to perform any action necessary for the owner or lessee
6 or the school board to fulfill any obligation specified in sub. (5) or s. 121.555.

7 **SECTION 2.** 121.52 (5) of the statutes is created to read:

8 121.52 **(5)** Upon written request of a parent or guardian of a pupil for whom
9 the school district provides transportation, the school board shall disclose the name
10 of each driver who transports the pupil under sub. (2) (a) or (b).

11 **SECTION 3.** 121.555 (2) (c) 5. of the statutes is repealed.

12 **SECTION 4.** 121.555 (3) of the statutes is created to read:

13 121.555 **(3)** (a) Subject to par. (c), any person that employs or contracts with
14 an individual, except an individual who holds a valid school bus endorsement issued
15 under s. 343.12, to operate a motor vehicle under sub. (1) to transport pupils shall
16 do all of the following before the individual is initially permitted to operate the
17 vehicle and every 4 years thereafter:

18 1. Notwithstanding ss. 111.321, 111.322, and 111.335, request from the records
19 maintained by the department of justice a criminal history search of the individual.

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1 Notwithstanding ss. 111.321, 111.322, and 111.335, if the individual who is the
2 subject of the criminal history search has not resided in this state at anytime within
3 the 2 years preceding the date of the search, the person shall make a good faith effort
4 to obtain additional criminal history information from any state in which the
5 individual has resided during this time period or from any other applicable federal
6 or state agency.

7 2. Request the individual's operating record from the department of
8 transportation under s. 343.24 or, if the operating record has already been obtained
9 by another entity, from that entity if there are reasonable grounds to believe that the
10 operating record obtained from that entity is accurate and was furnished by the
11 department of transportation to that entity not more than 2 months previously.

12 3. Obtain a background information form, prescribed by the department under
13 sub. (6) (b), completed by the individual.

14 (b) Any person that employs or contracts with an individual to operate a motor
15 vehicle under sub. (1) to transport pupils, except an individual who holds a valid
16 school bus endorsement issued under s. 343.12, may require the individual to be
17 fingerprinted on 2 fingerprint cards, each bearing a complete set of the individual's
18 fingerprints, or by other technologies approved by law enforcement agencies. The
19 department of justice may provide for the submission of the fingerprint cards or
20 fingerprints by other technologies to the federal bureau of investigation for the
21 purposes of verifying the identity of the individual fingerprinted and obtaining
22 records of his or her criminal arrests and convictions. Except as provided in this
23 paragraph, fingerprints obtained under this paragraph shall be kept confidential.

24 (c) Notwithstanding ss. 111.321, 111.322, and 111.335, no person that employs
25 or contracts with an individual, except an individual who holds a valid school bus

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1 endorsement issued under s. 343.12, to operate a motor vehicle under sub. (1) to
2 transport pupils may permit the individual to operate such a vehicle if any of the
3 following applies:

4 1. The person knows or should know that the individual has a record of
5 conviction or operating privilege revocation or adjudicated delinquency that would
6 disqualify the person from issuance or renewal of a school bus endorsement under
7 s. 343.12 (7) and rules promulgated by the department of transportation under s.
8 343.12 (7) and (8).

9 2. The person knows or should know that the individual has been convicted of
10 a violation of sub. (4) (b).

11 3. The person knows or should know that the individual is listed in the registry
12 under s. 146.40 (4g) (a) 2.

13 **SECTION 5.** 121.555 (4) of the statutes is created to read:

14 121.555 (4) (a) An individual who is employed by or under contract with a
15 person to operate a motor vehicle under sub. (1) to transport pupils shall report to
16 the person in writing within 10 days of the occurrence of any of the following:

17 1. Any accident in which the individual was involved as the operator of a motor
18 vehicle, regardless of whether the individual was issued a uniform traffic citation or
19 charged with any offense or whether the individual was operating a motor vehicle
20 under sub. (1) to transport pupils.

21 2. Notwithstanding ss. 111.321, 111.322, and 111.335, any conviction or
22 operating privilege revocation that, under sub. (3) (c), makes the individual ineligible
23 to operate a motor vehicle under sub. (1) to transport pupils or, if the individual holds
24 a valid school bus endorsement issued under s. 343.12, that disqualifies the
25 individual from issuance or renewal of a school bus endorsement under s. 343.12 (7)

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1 and rules promulgated by the department of transportation under s. 343.12 (7) and
2 (8).

3 3. Any suspension or revocation of the individual's operating privilege, or
4 cancellation of a school bus endorsement, by this state or another jurisdiction.

5 (b) No individual may provide false or incomplete information with respect to
6 any material fact on a background information form specified in sub. (3) (a) 3.

7 **SECTION 6.** 121.555 (5) of the statutes is created to read:

8 121.555 (5) No individual may operate a motor vehicle under sub. (1) to
9 transport pupils if the individual is ineligible to do so under sub. (2) (c) and (cm) or
10 under sub. (3) (c).

11 **SECTION 7.** 121.555 (6) of the statutes is created to read:

12 121.555 (6) (a) The department shall prepare and make available to school
13 districts, private schools, and contractors providing pupil transportation services
14 informational materials, in printed or electronic form, relating to compliance with
15 this section.

16 (b) In consultation with persons that employ or contract with individuals to
17 operate motor vehicles under sub. (1), the department shall prescribe a background
18 information form for purposes of sub. (3). The form shall require an individual under
19 sub. (3) (a) to specify whether the individual is listed in the registry under s. 146.40
20 (4g) (a) 2.

21 **SECTION 8.** 121.555 (7) of the statutes is created to read:

22 121.555 (7) Any person that employs or contracts with an individual to operate
23 a motor vehicle under sub. (1) to transport pupils shall maintain all records and
24 furnish all information determined necessary to determine compliance with this
25 section.

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1 **SECTION 9.** 121.555 (8) of the statutes is created to read:

2 121.555 **(8)** (a) Any individual who violates sub. (4) (a) or (5) may be required
3 to forfeit not more than \$100 for the first offense and not more than \$200 for each
4 subsequent offense.

5 (b) Any individual who violates sub. (4) (b) may be required to forfeit not more
6 than \$1,000.

7 **SECTION 10.** 343.12 (2) (intro.) of the statutes is amended to read:

8 343.12 **(2)** (intro.) The department shall issue or, except as provided in par. (h),
9 renew a school bus endorsement to a person only if such person meets all of the
10 following requirements:

11 **SECTION 11.** 343.12 (2) (d) of the statutes is repealed.

12 **SECTION 12.** 343.12 (2) (dm) of the statutes is created to read:

13 343.12 **(2)** (dm) Notwithstanding ss. 111.321, 111.322, and 111.335, has been
14 subject to the background investigation specified in sub. (6) (a) and does not have a
15 record of conviction or of adjudication of delinquency or operating privilege
16 revocation that disqualifies the person from issuance or renewal of a school bus
17 endorsement under sub. (7) or rules promulgated by the department under subs. (7)
18 and (8).

19 **SECTION 13.** 343.12 (2) (e) of the statutes is repealed.

20 **SECTION 14.** 343.12 (2) (em) of the statutes is created to read:

21 343.12 **(2)** (em) Is not, based upon the person's application, listed in the registry
22 under s. 146.40 (4g) (a) 2.

23 **SECTION 15.** 343.12 (4) (b) of the statutes is amended to read:

24 343.12 **(4)** (b) The department ~~may~~ shall, by rule, establish standards for the
25 employment by an employer of a person under par. (a) 3. as an operator of a school

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1 bus in this state. The rules may require the person to meet the qualifications
2 contained in sub. (2) or (3) and any rules of the department applicable to residents,
3 except that the rules shall require the person to meet the qualifications contained in
4 sub. (2) (dm) and (em). The rules shall also require the employer to perform the
5 actions specified in s. 121.555 (3) (a) 1. and 3.

6 **SECTION 16.** 343.12 (5) of the statutes is renumbered 343.12 (9).

7 **SECTION 17.** 343.12 (6) of the statutes is created to read:

8 343.12 **(6)** (a) Notwithstanding ss. 111.321, 111.322, and 111.335, prior to the
9 initial issuance or renewal of a school bus endorsement, the department shall
10 conduct a background investigation of the applicant. In conducting the background
11 investigation, the department shall obtain from the records maintained by the
12 department of justice a criminal history search of the applicant. If the applicant has
13 not resided in this state at anytime within the 2 years preceding the date of the
14 search, the department shall make a good faith effort to obtain additional criminal
15 history information from any state in which the applicant has resided during this
16 time period of from any other applicable federal or state agency. The department
17 shall record in the applicant's file specified in s. 343.23 (2) (a) the date on which the
18 background investigation was completed.

19 (b) The department may require an applicant for the initial issuance or renewal
20 of a school bus endorsement to be fingerprinted on 2 fingerprint cards, each bearing
21 a complete set of the person's fingerprints, or by other technologies approved by law
22 enforcement agencies. The department of justice may provide for the submission of
23 the fingerprint cards or fingerprints by other technologies to the federal bureau of
24 investigation for the purposes of verifying the identity of the person fingerprinted
25 and obtaining records of his or her criminal arrests and convictions.

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1 (c) The department shall require an applicant for an endorsement under this
2 section to specify on the application whether the applicant is listed in the registry
3 under s. 146.40 (4g) (a) 2.

4 (d) Notwithstanding ss. 111.321, 111.322, and 111.335, 4 years after the initial
5 issuance or renewal of a school bus endorsement, the department of transportation
6 shall obtain from the records maintained by the department of justice a criminal
7 history search of the person to whom the school bus endorsement is issued and, if
8 applicable, take action under s. 343.20 (1) (d) 2.

9 **SECTION 18.** 343.12 (7) of the statutes is created to read:

10 343.12 (7) (a) Notwithstanding ss. 111.321, 111.322, and 111.335, the
11 department may not issue or renew a school bus endorsement if, within the time
12 period specified by the department by rule but not less than 2 years immediately
13 preceding the date of application, the applicant has been convicted of a violation of
14 any of the following state laws or any local ordinance in conformity with any of the
15 following state laws or any federal law or law of a federally recognized American
16 Indian tribe or band in this state or law of another jurisdiction that would be a
17 violation of any of the following state laws if the person had committed the offense
18 in this state and been convicted of the offense under the laws of this state:

19 1. Reckless driving under s. 346.62.

20 2. Operating a motor vehicle while operating privileges are suspended or
21 revoked or while the operator is disqualified under s. 343.44 (1) (a), (b), or (d).

22 3. Second-degree reckless homicide under s. 940.06 if the offense results from
23 the operation of a motor vehicle.

24 4. Homicide by intoxicated use of a vehicle under s. 940.09 (1).

25 5. Homicide by negligent operation of a vehicle under s. 940.10.

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- 1 6. Injury by intoxicated use of a vehicle under s. 940.25 (1).
- 2 7. Causing injury by operating a motor vehicle under the influence of an
3 intoxicant or other drug under s. 346.63 (2).
- 4 8. Causing injury by operating a commercial motor vehicle with a prohibited
5 alcohol concentration under s. 346.63 (6).
- 6 9. Operating a motor vehicle under the influence of an intoxicant or other drug
7 or with a prohibited alcohol concentration under s. 346.63 (1).
- 8 10. Operating a commercial motor vehicle with a prohibited alcohol
9 concentration under s. 346.63 (5).
- 10 11. Operating a motor vehicle while under the legal drinking age with a
11 prohibited alcohol concentration under s. 346.63 (2m).
- 12 12. Failure to stop and render assistance at the scene of a motor vehicle
13 accident under s. 346.67 (1) (c).
- 14 13. Fleeing from or attempting to elude a traffic officer under s. 346.04 (3).
- 15 14. Operating a commercial motor vehicle or being on duty time while having
16 any alcohol concentration, within 4 hours of consuming alcohol or being intoxicated,
17 or while possessing alcohol under s. 346.63 (7) (a) if the applicant has been previously
18 convicted of any offense under s. 346.63 (7) (a) or any local ordinance in conformity
19 with s. 346.63 (7) (a) or any federal law or law of a federally recognized American
20 Indian tribe or band in this state or law of another jurisdiction that would be a
21 violation of s. 346.63 (7) (a) if the applicant had committed the offense in this state
22 and been convicted of the offense under the laws of this state.
- 23 (b) Notwithstanding ss. 111.321, 111.322, and 111.335, the department may not
24 issue or renew a school bus endorsement if, within 2 years immediately preceding
25 the date of application, the applicant has had his or her operating privilege revoked

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1 under s. 343.305 (10) for refusal to submit to chemical testing or has been convicted
2 in another jurisdiction or had his or her operating privilege in another jurisdiction
3 suspended or revoked under any law of that jurisdiction prohibiting refusal of
4 chemical testing that is comparable to s. 343.305.

5 (c) Notwithstanding ss. 111.321, 111.322, and 111.335, the department may not
6 issue or renew a school bus endorsement if, within the time period specified by the
7 department by rule but not less than 5 years immediately preceding the date of
8 application, the applicant has been convicted of a violation of any of the following
9 state laws or any local ordinance in conformity with any of the following state laws
10 or any federal law or law of a federally recognized American Indian tribe or band in
11 this state or law of another jurisdiction that would be a violation of any of the
12 following state laws if the person had committed the offense in this state and been
13 convicted of the offense under the laws of this state:

- 14 1. First-degree intentional homicide under s. 940.01.
- 15 2. First-degree reckless homicide under s. 940.02.
- 16 3. Felony murder under s. 940.03.
- 17 4. Second-degree intentional homicide under s. 940.05.
- 18 5. Assisting suicide under s. 940.12.
- 19 6. Felony battery under s. 940.19 (2), (3), (4), (5), or (6).
- 20 7. Sexual exploitation by a therapist under s. 940.22 (2).
- 21 8. Felony sexual assault under s. 940.225 (1), (2), or (3).
- 22 9. Abuse of a vulnerable adult under circumstances constituting a felony under
23 s. 940.285 (2).
- 24 10. Abuse of a resident of a penal facility under s. 940.29.

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- 1 11. Abuse or neglect of a patient or resident under circumstances constituting
- 2 a felony under s. 940.295.
- 3 12. Sexual assault of a child under s. 948.02 (1) or (2).
- 4 13. Engaging in repeated acts of sexual assault of the same child under s.
- 5 948.025.
- 6 14. Physical abuse of a child under s. 948.03 (2).
- 7 15. Sexual exploitation of a child under s. 948.05.
- 8 16. Causing a child to view or listen to sexual activity under s. 948.055.
- 9 17. Incest with a child under s. 948.06.
- 10 18. Child enticement under s. 948.07.
- 11 19. Use of a computer to facilitate a child sex crime under s. 948.075.
- 12 20. Soliciting a child for prostitution under s. 948.08.
- 13 21. Sexual assault of a student by a school instructional staff person under s.
- 14 948.095.
- 15 22. Felony exposing a child to harmful material or harmful descriptions or
- 16 narrations under s. 948.11 (2) (a) or (am).
- 17 23. Possession of child pornography under s. 948.12.
- 18 24. Child sex offender working with children under s. 948.13 (2).
- 19 25. Neglecting a child under circumstances constituting a felony under s.
- 20 948.21.
- 21 26. Abduction of a child under s. 948.30.
- 22 27. Any felony crime in the commission of which a motor vehicle is used other
- 23 than those crimes specified in this paragraph or par. (b).
- 24 (d) Notwithstanding ss. 111.321, 111.322, and 111.335, the department may not
- 25 issue or renew a school bus endorsement if the applicant has been adjudicated

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1 delinquent on or after his or her 12th birthday for committing any crime or other
2 offense specified under pars. (a) to (c) or by the department by rule under this
3 subsection within the time period specified under pars. (a) to (c) or by the department
4 by rule under this subsection.

5 **SECTION 19.** 343.12 (8) of the statutes is created to read:

6 343.12 **(8)** (a) The department shall promulgate rules specifying crimes or
7 other offenses, in addition to those specified in sub. (7), the conviction for which, or
8 adjudication of delinquency for which, disqualifies the applicant from initial
9 issuance or renewal of a school bus endorsement and, for each such crime or offense,
10 the time period within which the disqualification applies. The time period may be
11 permanent but may not be less than the time period specified in sub. (7) (a) to (c) for
12 a crime or other offense specified in sub. (7) (a) to (c). The disqualifying crimes or
13 other offenses specified by the department shall apply notwithstanding ss. 111.321,
14 111.322, and 111.335 and shall include crimes under chs. 940 and 944.

15 (b) Notwithstanding ss. 111.321, 111.322, and 111.335, the department may
16 promulgate rules specifying any registry maintained by an agency of the state
17 related to a person being reported or investigated for criminal activity, in addition
18 to the registry specified in sub. (6) (c), the listing of the applicant on which
19 disqualifies the applicant from initial issuance or renewal of a school bus
20 endorsement.

21 (c) The department shall promulgate rules to implement and administer this
22 section, including all of the following:

23 1. For each disqualifying crime or offense specified in sub. (7) (a) and (c), the
24 time period within which the disqualification applies.

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1 2. Procedures for obtaining additional criminal history information in
2 compliance with sub. (6) (a) for applicants who have not resided in this state at
3 anytime in the preceding 2 years. The department may by rule establish fees for
4 obtaining such information that are not greater than the fees charged to the
5 department in connection with acquiring such information.

6 **SECTION 20.** 343.20 (1) (d) of the statutes is renumbered 343.20 (1) (d) 1.

7 **SECTION 21.** 343.20 (1) (d) 2. of the statutes is created to read:

8 343.20 **(1)** (d) 2. The department shall cancel an operator's license that is
9 endorsed for the operation of school buses under s. 343.12, regardless of the license
10 expiration date, upon receiving a record of conviction or of adjudication of
11 delinquency or results of a criminal history search showing that the person has been
12 convicted of, or adjudicated delinquent for, a crime or other offense specified under
13 s. 343.12 (7) or rules of the department promulgated under s. 343.12 (7) and (8) after
14 issuance or renewal of the endorsement or at a time when, if known by the
15 department, the conviction or adjudication would have prevented issuance or
16 renewal of the endorsement.

17 **SECTION 22.** 343.21 (1) (c) to (e) of the statutes are amended to read:

18 343.21 **(1)** (c) For the initial issuance or renewal of authorization to operate
19 school buses that are not commercial motor vehicles, \$5 \$10.

20 (d) For the initial issuance or renewal of authorization to operate "Class A",
21 "Class B" or "Class C" motor vehicles, or upgrading an existing regular license which
22 only authorizes the operation of "Class D" motor vehicles, \$64. This fee includes
23 issuance of any "H", "N", "P", "S" or "T" endorsements or "Class D" authorization
24 applied for at the same time for which the applicant is qualified. An additional fee

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1 of \$5 is required for the issuance or renewal of any “S” endorsement applied for or
2 renewed at the same time for which the applicant is qualified.

3 (e) For upgrading an existing commercial driver license to add an “H”, “N”, “P”,
4 “S” or “T” endorsement, \$5, or, to add an “S” endorsement, \$10.

5 **SECTION 23.** 343.21 (3) of the statutes is created to read:

6 343.21 (3) In addition to any fee required under sub. (1) (c), (d), or (e), the
7 department may require payment to the department of any fee established by rule
8 under s. 343.12 (8) (c) 2.

9 **SECTION 24.** 343.23 (2) (a) (intro.) of the statutes, as affected by 2003 Wisconsin
10 Act 33, is amended to read:

11 343.23 (2) (a) (intro.) The department shall maintain a file for each licensee or
12 other person containing the application for license, permit or endorsement, a record
13 of reports or abstract of convictions, any notice received from the federal
14 transportation security administration concerning the person’s eligibility for an “H”
15 endorsement specified in s. 343.17 (3) (d) 1m., the status of the person’s authorization
16 to operate different vehicle groups, a record of any out-of-service orders issued
17 under s. 343.305 (7) (b) or (9) (am), a record of the date on which any background
18 investigation specified in s. 343.12 (6) (a) or (d) was completed, and a record of any
19 reportable accident in which the person has been involved, including specification
20 of any type of license and endorsements issued under this chapter under which the
21 person was operating at the time of the accident and an indication whether or not the
22 accident occurred in the course of any of the following:

23 **SECTION 25.** 343.237 (title) and (2) of the statutes are amended to read:

24 **343.237 (title) Access to license and identification card photographs**
25 **and fingerprints.**

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1 **(2)** Any photograph taken of an applicant under s. 343.14 (3) or 343.50 (4), and
2 any fingerprint taken of an applicant under s. 343.12 (6) (b), may be maintained by
3 the department and, except as provided in this section, shall be kept confidential.
4 Except as provided in this section, the department may release a photograph or
5 fingerprint only to the person whose photograph or fingerprint was taken.

6 **SECTION 26.** 343.237 (3) (intro.) of the statutes, as affected by 2003 Wisconsin
7 Act 36, is amended to read:

8 343.237 **(3)** (intro.) The department shall provide a Wisconsin law enforcement
9 agency or a federal law enforcement agency with a copy of a photograph taken on or
10 after September 1, 1997, of an applicant under s. 343.14 (3) or 343.50 (4), or a printed
11 or electronic copy of a fingerprint taken of an applicant under s. 343.12 (6) (b), if the
12 department receives a written request on the law enforcement agency's letterhead
13 that contains all of the following:

14 **SECTION 27.** 343.237 (3) (a) of the statutes is amended to read:

15 343.237 **(3)** (a) The name of the person whose photograph or fingerprint is
16 requested.

17 **SECTION 28.** 343.237 (3) (c) (intro.) of the statutes, as affected by 2003
18 Wisconsin Act 36, is amended to read:

19 343.237 **(3)** (c) (intro.) A statement signed by a division commander or higher
20 authority within the law enforcement agency that the photograph or fingerprint is
21 requested for any of the following purposes:

22 **SECTION 29.** 343.237 (3) (d), (4m), (5), (6), (7), (8) and (10) of the statutes are
23 amended to read:

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1 343.237 **(3)** (d) ~~A~~ For requests for photographs only, a statement that the
2 request is not made solely to obtain a photograph for use as part of a photo lineup or
3 photo array.

4 **(4m)** The department shall attach to each copy of a photograph or fingerprint
5 provided under this section the notation: “This photograph is subject to the
6 requirements and restrictions of section 343.237 of the Wisconsin Statutes.” or “This
7 fingerprint is subject to the requirements and restrictions of section 343.237 of the
8 Wisconsin Statutes.”

9 **(5)** Any law enforcement agency that has in its possession a copy of a
10 photograph or fingerprint provided to it under sub. (3) or (4) shall destroy any copies
11 of the photograph or fingerprint in its possession when the photograph or fingerprint
12 is no longer necessary for the investigatory or identification purpose specified in its
13 request for the copy of the photograph or fingerprint.

14 **(6)** For each copy of a photograph or fingerprint provided under sub. (3) or (4),
15 the department shall record and maintain the written request for the copy of the
16 photograph or fingerprint and may not disclose any record or other information
17 concerning or relating to the written request to any person other than a court, district
18 attorney, county corporation counsel, city, village, or town attorney, law enforcement
19 agency, the applicant or identification card holder or, if the applicant or identification
20 card holder is under 18 years of age, his or her parent or guardian.

21 **(7)** The department may not charge a fee for providing a copy of any photograph
22 or fingerprint to a Wisconsin law enforcement agency under this section.

23 **(8)** (a) Any law enforcement agency that receives a photograph or fingerprint
24 provided to a law enforcement agency under this section shall keep the copy of the
25 photograph or fingerprint confidential and may disclose it only if disclosure is

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1 necessary to perform a law enforcement function and the person to whom the copy
2 of the photograph or fingerprint is disclosed agrees to comply with par. (c).

3 (b) If a law enforcement agency discloses a copy of a photograph or fingerprint
4 to another person under par. (a), the copy of the photograph or fingerprint shall have
5 attached to it the notation specified in sub. (4m).

6 (c) Any person who receives a copy of a photograph or fingerprint from a law
7 enforcement agency under par. (a) shall destroy any copies of the photograph or
8 fingerprint in his or her possession when the photograph or fingerprint is no longer
9 necessary to perform the law enforcement function for which the photograph or
10 fingerprint was disclosed.

11 **(10)** Any person who wilfully discloses a copy of a photograph or fingerprint in
12 violation of this section may be required to forfeit not more than \$500 for each
13 violation. Each copy disclosed constitutes a separate offense.

SECTION 30. Nonstatutory provisions.

14
15 (1) The department of transportation shall submit in proposed form the rules
16 required under section 343.12 (7) and (8) of the statutes, as created by this act, to the
17 legislative council staff under section 227.15 (1) of the statutes no later than the first
18 day of the 10th month beginning after the effective date of this subsection.

19 (2) Using the emergency rules procedure under section 227.24 of the statutes,
20 the department of transportation shall promulgate the rules required under section
21 343.12 (7) and (8) of the statutes, as created by this act, for purposes of implementing
22 this act, for the period before the effective date of the rules submitted under
23 subsection (1). The department shall promulgate these emergency rules no later
24 than the first day of the 10th month beginning after the effective date of this
25 subsection. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, these

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1 emergency rules may remain in effect until June 30, 2005, or the date on which
2 permanent rules take effect, whichever is sooner. Notwithstanding section 227.24
3 (1) (a) and (3) of the statutes, the department is not required to provide evidence that
4 promulgating a rule under this subsection as an emergency rule is necessary for the
5 preservation of the public peace, health, safety, or welfare and is not required to
6 provide a finding of emergency for a rule promulgated under this subsection.

7 (3) The department of transportation shall study the costs and benefits of
8 integrating within the department the computer linkup specified in section 165.825
9 of the statutes and of developing an automated search system for searching the
10 registry under section 146.40 (4g) (a) 2. of the statutes. The department of
11 transportation shall consult with the department of justice, department of public
12 instruction, and department of health and family services in conducting the study.
13 By the first day of the 12th month beginning after the effective date of this
14 subsection, the department of transportation shall report to the legislature, in the
15 manner provided under section 13.172 (2) of the statutes, the findings, conclusions,
16 and recommendations of the study.

17 (4) (a) The department of public instruction, in consultation with the
18 department of transportation, the Wisconsin School Bus Association, state child
19 advocacy groups, and other persons or organizations as appropriate, shall study all
20 of the following:

21 1. The costs and benefits of installing and maintaining video cameras on school
22 buses, including the availability of federal funds and grants that may be used for this
23 purpose.

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1 2. Strategies to increase the availability and effectiveness of, and participation
2 in, training of operators of school buses and motor vehicles specified under section
3 121.555 (1) of the statutes with respect to all of the following:

4 a. Special needs involved in transporting children with disabilities.

5 b. Safe and effective methods of maintaining order and discipline on the school
6 bus or motor vehicle specified under section 121.555 (1) of the statutes.

7 (b) By the first day of the 7th month beginning after the effective date of this
8 paragraph, the department of public instruction shall report to the legislature, in the
9 manner provided under section 13.172 (2) of the statutes, the findings, conclusions,
10 and recommendations of the study under paragraph (a).

11 **SECTION 31. Appropriation changes.**

12 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation
13 to the department of transportation under section 20.395 (5) (cq) of the statutes, as
14 affected by the acts of 2003, the dollar amount is increased by \$10,000 for fiscal year
15 2004–05 to increase funding for determining the qualifications of applicants for
16 issuance or renewal of school bus endorsements to operators' licenses.

17 **SECTION 32. Initial applicability.**

18 (1) The treatment of section 121.555 (3), (4), (5), (6), (7), and (8) of the statutes
19 first applies on the first day of the 7th month beginning after the effective date of this
20 subsection with respect to any individual who is employed or under contract to
21 transport pupils in a motor vehicle under section 121.555 (1) of the statutes
22 immediately prior to the effective date of this subsection.

23 (2) This act first applies to contracts under section 121.52 (2) (b) of the statutes
24 that are entered into, modified, or renewed on the effective date of this subsection.

