



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-2317/1
ARG&PG:kmg:pg

needed
by Fri.
10/24

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

J.M. Cost.

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

1 an exemption from emergency rule procedures and from rule-making
2 procedures, granting rule-making authority, and providing penalties.

making
an appropriation

Analysis by the Legislative Reference Bureau

Under current law, a person may not operate a school bus without a school bus endorsement issued by the Department of Transportation (DOT). DOT may issue a school bus endorsement to a person's valid motor vehicle operator's license if the person meets certain qualifications. DOT may not issue a school bus endorsement to an applicant if he or she has been convicted of specified offenses (including operating while intoxicated and operating with a suspended or revoked license) within the past two years, regardless of whether the circumstances of the offense are substantially related to the circumstances of operating a school bus, or has been convicted of other offenses (including a felony or an "offense against public morals") within the past five years, if the circumstances of the offense are substantially related to the circumstances of operating a school bus. A school bus endorsement is valid for the eight-year duration of the person's operator's license. Under certain circumstances, DOT must cancel the operator's license of a person to whom a school bus endorsement has been issued.

This bill modifies the existing criminal history requirements, and imposes additional requirements, for the initial issuance or renewal of a school bus endorsement. The bill:

1. Prohibits DOT from issuing or renewing a school bus endorsement to an applicant if the applicant has been convicted of or adjudicated delinquent for any specified disqualifying crime or offense within a prior minimum specified time period. These disqualifying crimes and offenses and minimum time periods for disqualification include those specified under current statutes as well as many new disqualifying crimes and offenses, including various crimes against children. The bill also authorizes DOT to specify by rule additional disqualifying crimes and offenses and the time period during which the disqualification applies. All disqualifying crimes and offenses provided for under the bill apply regardless of whether the circumstances of the offense are substantially related to the circumstances of operating a school bus. Under the bill, DOT also may not issue or renew a school bus endorsement to an applicant who identifies himself or herself as a person listed on the abuse registry maintained by the Department of Health and Family Services (DHFS).

2. Requires DOT to conduct a background investigation, including a criminal history search, of each applicant for initial issuance or renewal of a school bus endorsement, and to record the results of the investigation in DOT's files. Although a school bus endorsement is renewed every eight years, DOT must conduct a criminal history search every four years and, if appropriate, cancel the endorsement (as described in Item 4.).

3. Authorizes DOT to obtain fingerprints from an applicant for initial issuance or renewal of a school bus endorsement, and to submit the fingerprints for a record

on which
the date that the investigation was completed

and retains them

check by the Federal Bureau of Investigation (FBI). The bill requires DOT to conduct this FBI fingerprint search if the applicant is not, or was not at any time in the preceding three years, a resident of this state. If DOT takes fingerprints of an applicant, DOT must generally keep the fingerprints confidential in the same manner required of photographs taken by DOT for operator's licenses. However, as with photographs taken for operator's licenses, DOT may, under certain circumstances and with certain limitations, release copies of the fingerprints to law enforcement for law enforcement purposes.

>

retained

4. Requires DOT to cancel a school bus endorsement upon receipt of a record of conviction or adjudication of delinquency for a crime or offense that would disqualify the person from holding a school bus endorsement.

The fee for initial issuance of a school bus endorsement authorizing operation of a school bus that is not a commercial motor vehicle is \$5. The fee for upgrading an existing commercial driver license (CDL) to include a school bus endorsement is \$5, and there is no fee for initial issuance or renewal of a school bus endorsement to a CDL applied for with the initial issuance or renewal of the CDL. This bill increases, from \$5 to \$10, the existing fee for initial issuance of a non-CDL school bus endorsement and an upgrade of a CDL to include a school bus endorsement, clarifies that this fee applies upon renewal of a non-CDL school bus endorsement, and creates a \$5 fee for initial issuance or renewal of a school bus endorsement to a CDL applied for at the same time as the CDL.

>

Under current law, a person who is a resident of Iowa, Illinois, Michigan, or Minnesota and who is licensed to operate a school bus in the person's state of residence may be employed to operate a school bus in this state without holding a valid school bus endorsement issued by DOT. DOT may, however, impose standards on the employment of such persons, including requiring such persons to meet qualifications applicable to resident school bus operators. This bill requires DOT to impose standards prohibiting the employment of any such person who has been convicted of any specified disqualifying crime or offense and requiring employers to conduct background investigations of such persons.

Under current law, a school board, private school, or contractor providing pupil transportation services under contract with a school board may provide for the transportation of pupils to and from school using a motor vehicle that transports no more than nine passengers (school van), or a motor vehicle that transports ten or more passengers and that is authorized by DOT to be used temporarily under emergency circumstances (temporary school vehicle), if the vehicle and the operator meet certain requirements. Among the operator requirements is that the operator may not have been convicted of certain offenses within the past two years or certain other offenses within the past five years. These offenses are similar, but not identical, to the disqualifying offenses for a school bus endorsement under current law.

This bill modifies the existing requirements for operators of a school van or temporary school vehicle and imposes additional requirements that create more consistency between the requirements for operation of a school bus and the requirements for operation of a school van or temporary school vehicle. With respect

The bill also allows DOT (by rule) to establish a fee for applicants who require fingerprinting in an amount not to exceed the fee charged to DOT by the Department of Justice (DOJ) for coordinating an FBI

fingerprint check.

to an individual employed by or under contract with any person (including a school district, private school, or contractor) to operate a school van or temporary school vehicle, other than an individual who holds a school bus endorsement, the bill:

1. Requires the person, before permitting the individual to operate such a vehicle and every four years thereafter, to request a criminal history search of the individual from ~~the Department of Justice~~ ^{ADOJ}, request the individual's motor vehicle operating record, and obtain a completed background information form from the individual.

2. Authorizes the person to obtain fingerprints from the individual and to submit the fingerprints for a record check by the FBI. The bill requires the person to conduct this FBI fingerprint search if the individual is not, or was not at any time in the preceding three years, a resident of this state. The fingerprints must otherwise be kept confidential.

3. Prohibits the person from permitting the individual to operate such a vehicle if the person knows or should know that the individual has a record of conviction or operating privilege revocation or adjudicated delinquency that would disqualify the individual from issuance or renewal of a school bus endorsement.

4. Prohibits the person from permitting the individual to operate such a vehicle if the person knows or should know that the individual has been convicted of providing materially false information on a background information form.

5. Requires the individual to inform the person of any traffic accident, conviction that would make the individual ineligible to be an operator, or suspension or revocation of the individual's operator's license or cancellation of the individual's school bus endorsement. (This requirement also applies to an individual who holds a school bus endorsement.)

6. Prohibits an individual from operating such a vehicle if the individual does not meet the eligibility requirements for operating such a vehicle.

The bill provides penalties for violation of its requirements by an individual (operator). Generally, the individual may be required to forfeit not more than \$100 for the first offense and not more than \$200 for each subsequent offense. However, an individual convicted of providing materially false or incomplete information on a background information form may be required to forfeit not more than \$1,000 and is permanently barred from subsequently operating a school van or temporary school vehicle.

The bill requires the Department of Public Instruction (DPI) to create a background information form and to prepare and make available informational materials related to the requirements imposed under the bill. The bill also requires DOT, in consultation with DOJ, DPI, and DHFS, to study and report on certain information technology aspects related to background investigation of applicants for school bus endorsements.

Under current law, the use of privately owned motor vehicles to transport pupils must be under written contract between the owner or lessee of the vehicles and the school district for which the transportation is provided. Under this bill, the contract must require the owner or lessee to perform any action necessary for the owner or lessee or the school board to fulfill its legal obligations with respect to

(no #) The bill further requires DPI, in consultation with DOT, to study and report ^{on} the costs and benefits of installing and maintaining video cameras ^{on} school buses.

transporting pupils by means of school vans or temporary school vehicles. The bill requires the school district and owner or lessee, upon written request from a parent or guardian of a pupil enrolled in the school district, to disclose the name of each driver who transports the pupil ~~to or from school~~.

The bill requires DOT, within approximately six months, to submit proposed rules to administer the provisions of the bill to the Legislative Council Staff and to promulgate emergency rules to administer the provisions of the bill until the proposed rules submitted to the Legislative Council Staff become final. The bill delays the applicability of all of its provisions, except the rule-making provisions, for approximately six months, and delays for approximately six additional months the applicability of its provisions to those individual who are employed by or under contract with a school district, private school, or contractor to operate a school van or temporary school vehicle at the time of enactment of the bill.

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

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

1 under s. 343.12, to operate a motor vehicle under sub. (1) to transport pupils shall
2 do all of the following before the individual is initially permitted to operate the
3 vehicle and every 4 years thereafter:

4 1. Notwithstanding ss. 111.321, 111.322, and 111.335, request from the records
5 maintained by the department of justice a criminal history search of the individual.
6 Notwithstanding ss. 111.321, 111.322, and 111.335, if the individual who is the
7 subject of the criminal history search is not a resident of this state or was not a
8 resident of this state at any time within the 3 years preceding the date of the search,
9 the person shall obtain the individual's fingerprints and submit them to the
10 department of justice for submission to the federal bureau of investigation as
11 provided under par. (b).

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

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

19 (b) Subject to par. (a) 1., any person that employs or contracts with an
20 individual to operate a motor vehicle under sub. (1) to transport pupils, except an
21 individual who holds a valid school bus endorsement issued under s. 343.12, may
22 require the individual to be fingerprinted on 2 fingerprint cards, each bearing a
23 complete set of the individual's fingerprints, or by other technologies approved by law
24 enforcement agencies. The department of justice may provide for the submission of
25 the fingerprint cards or fingerprints by other technologies to the federal bureau of

1 investigation for the purposes of verifying the identity of the individual fingerprinted
2 and obtaining records of his or her criminal arrests and convictions. Except as
3 provided in this paragraph, fingerprints obtained under this paragraph shall be kept
4 confidential.

5 (c) Notwithstanding ss. 111.321, 111.322, and 111.335, no person that employs
6 or contracts with an individual, except an individual who holds a valid school bus
7 endorsement issued under s. 343.12, to operate a motor vehicle under sub. (1) to
8 transport pupils may permit the individual to operate such a vehicle if any of the
9 following applies:

10 1. The person knows or should know that the individual has a record of
11 conviction or operating privilege revocation or adjudicated delinquency that would
12 disqualify the person from issuance or renewal of a school bus endorsement under
13 s. 343.12 (7) and rules promulgated by the department of transportation under s.
14 343.12 (7) and (8).

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

17 3. The person knows or should know that the individual is listed in the registry
18 under s. 146.40 (4g).

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

20 121.555 (4) (a) An individual who is employed by or under contract with a
21 person to operate a motor vehicle under sub. (1) to transport pupils shall report to
22 the person in writing within 10 days of the occurrence of any of the following:

23 1. Any accident in which the individual was involved as the operator of a motor
24 vehicle, regardless of whether the individual was issued a uniform traffic citation or

1 charged with any offense or whether the individual was operating a motor vehicle
2 under sub. (1) to transport pupils.

3 2. Notwithstanding ss. 111.321, 111.322, and 111.335, any conviction or
4 operating privilege revocation that, under sub. (3) (c), makes the individual ineligible
5 to operate a motor vehicle under sub. (1) to transport pupils or, if the individual holds
6 a valid school bus endorsement issued under s. 343.12, that disqualifies the
7 individual from issuance or renewal of a school bus endorsement under s. 343.12 (7)
8 and rules promulgated by the department of transportation under s. 343.12 (7) and
9 (8).

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

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

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

15 121.555 (5) No individual may operate a motor vehicle under sub. (1) to
16 transport pupils if the individual is ineligible to do so under sub. (2) (c) and (cm) or
17 under sub. (3) (c).

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

19 121.555 (6) (a) The department shall prepare and make available to school
20 districts, private schools, and contractors providing pupil transportation services
21 informational materials, in printed or electronic form, relating to compliance with
22 this section.

23 (b) In consultation with persons that employ or contract with individuals to
24 operate motor vehicles under sub. (1), the department shall prescribe a background
25 information form for purposes of sub. (3). The form shall require an individual under

1 sub. (3) (a) to specify whether the individual is listed in the registry under s. 146.40
2 (4g).

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

4 121.555 (7) Any person that employs or contracts with an individual to operate
5 a motor vehicle under sub. (1) to transport pupils shall maintain all records and
6 furnish all information determined necessary to determine compliance with this
7 section.

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

9 121.555 (8) (a) Any individual who violates sub. (4) (a) or (5) may be required
10 to forfeit not more than \$100 for the first offense and not more than \$200 for each
11 subsequent offense.

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

14 **SECTION 10.** 343.12 (2) (intro.) of the statutes, as affected by 2003 Wisconsin
15 Act 33, is amended to read:

16 343.12 (2) (intro.) Except as provided in sub. (2m), the department shall issue
17 or, except as provided in par. (h), renew a school bus endorsement to a person only
18 if such person meets all of the following requirements:

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

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

21 343.12 (2) (dm) Notwithstanding ss. 111.321, 111.322, and 111.335, has been
22 subject to the background investigation specified in sub. (6) (a) and does not have a
23 record of conviction or of adjudication of delinquency or operating privilege
24 revocation that disqualifies the person from issuance or renewal of a school bus

1 endorsement under sub. (7) or rules promulgated by the department under subs. (7)
2 and (8).

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

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

5 343.12 (2) (em) Is not, based upon the person's application, listed in the registry
6 under s. 146.40 (4g).

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

8 343.12 (4) (b) The department ~~may~~ shall, by rule, establish standards for the
9 employment by an employer of a person under par. (a) 3. as an operator of a school
10 bus in this state. The rules may require the person to meet the qualifications
11 contained in sub. (2) or (3) and any rules of the department applicable to residents,
12 except that the rules shall require the person to meet the qualifications contained in
13 sub. (2) (dm) and (em). The rules shall also require the employer to perform the
14 actions specified in s. 121.555 (3) (a) 1. and 3.

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

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

17 343.12 (6) (a) Notwithstanding ss. 111.321, 111.322, and 111.335, prior to the
18 initial issuance or renewal of a school bus endorsement, the department shall
19 conduct a background investigation of the applicant. In conducting the background
20 investigation, the department shall obtain from the records maintained by the
21 department of justice a criminal history search of the applicant. If the applicant is
22 not a resident of this state or was not a resident of this state at any time within the
23 3 years preceding the date of the search, the department shall obtain the applicant's
24 fingerprints and submit them to the department of justice for submission to the
25 federal bureau of investigation as provided under par. (b). The department shall

1 record in the applicant's file specified in s. 343.23 (2) (a) ~~that~~ the background
2 investigation ~~was made~~, the date on which ~~it~~ was completed, ~~and the results of the~~
3 ~~background investigation.~~

4 (b) Subject to par. (a), the department may require an applicant for the initial
5 issuance or renewal of a school bus endorsement to be fingerprinted on 2 fingerprint
6 cards, each bearing a complete set of the person's fingerprints, or by other
7 technologies approved by law enforcement agencies. The department of justice may
8 provide for the submission of the fingerprint cards or fingerprints by other
9 technologies to the federal bureau of investigation for the purposes of verifying the
10 identity of the person fingerprinted and obtaining records of his or her criminal
11 arrests and convictions.

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

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

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

21 343.12 (7) (a) Notwithstanding ss. 111.321, 111.322, and 111.335, the
22 department may not issue or renew a school bus endorsement if, within the time
23 period specified by the department by rule but not less than 2 years immediately
24 preceding the date of application, the applicant has been convicted of a violation of
25 any of the following state laws or any local ordinance in conformity with any of the

1 following state laws or any federal law or law of a federally recognized American
2 Indian tribe or band in this state or law of another jurisdiction that would be a
3 violation of any of the following state laws if the person had committed the offense
4 in this state and been convicted of the offense under the laws of this state:

- 5 1. Reckless driving under s. 346.62.
- 6 2. Operating a motor vehicle while operating privileges are suspended or
7 revoked or while the operator is disqualified under s. 343.44 (1) (a), (b), or (d).
- 8 3. Second-degree reckless homicide under s. 940.06 if the offense results from
9 the operation of a motor vehicle.
- 10 4. Homicide by intoxicated use of a vehicle under s. 940.09 (1).
- 11 5. Homicide by negligent operation of a vehicle under s. 940.10.
- 12 6. Injury by intoxicated use of a vehicle under s. 940.25 (1).
- 13 7. Causing injury by operating a motor vehicle under the influence of an
14 intoxicant or other drug under s. 346.63 (2).
- 15 8. Causing injury by operating a commercial motor vehicle with a prohibited
16 alcohol concentration under s. 346.63 (6).
- 17 9. Operating a motor vehicle under the influence of an intoxicant or other drug
18 or with a prohibited alcohol concentration under s. 346.63 (1).
- 19 10. Operating a commercial motor vehicle with a prohibited alcohol
20 concentration under s. 346.63 (5).
- 21 11. Operating a motor vehicle while under the legal drinking age with a
22 prohibited alcohol concentration under s. 346.63 (2m).
- 23 12. Failure to stop and render assistance at the scene of a motor vehicle
24 accident under s. 346.67 (1) (c).
- 25 13. Fleeing from or attempting to elude a traffic officer under s. 346.04 (3).

1 14. Operating a commercial motor vehicle or being on duty time while having
2 any alcohol concentration, within 4 hours of consuming alcohol or being intoxicated,
3 or while possessing alcohol under s. 346.63 (7) (a) if the applicant has been previously
4 convicted of any offense under s. 346.63 (7) (a) or any local ordinance in conformity
5 with s. 346.63 (7) (a) or any federal law or law of a federally recognized American
6 Indian tribe or band in this state or law of another jurisdiction that would be a
7 violation of s. 346.63 (7) (a) if the applicant had committed the offense in this state
8 and been convicted of the offense under the laws of this state.

9 (b) Notwithstanding ss. 111.321, 111.322, and 111.335, the department may not
10 issue or renew a school bus endorsement if, within 2 years immediately preceding
11 the date of application, the applicant has had his or her operating privilege revoked
12 under s. 343.305 (10) for refusal to submit to chemical testing or has been convicted
13 in another jurisdiction or had his or her operating privilege in another jurisdiction
14 suspended or revoked under any law of that jurisdiction prohibiting refusal of
15 chemical testing that is comparable to s. 343.305.

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

- 25 1. First-degree intentional homicide under s. 940.01.

- 1 2. First-degree reckless homicide under s. 940.02.
- 2 3. Felony murder under s. 940.03.
- 3 4. Second-degree intentional homicide under s. 940.05.
- 4 5. Assisting suicide under s. 940.12.
- 5 6. Felony battery under s. 940.19 (2), (3), (4), (5), or (6).
- 6 7. Sexual exploitation by a therapist under s. 940.22 (2).
- 7 8. Felony sexual assault under s. 940.225 (1), (2), or (3).
- 8 9. Abuse of a vulnerable adult under circumstances constituting a felony under
- 9 s. 940.285 (2).
- 10 10. Abuse of a resident of a penal facility under s. 940.29.
- 11 11. Abuse or neglect of a patient or resident under circumstances constituting
- 12 a felony under s. 940.295.
- 13 12. Sexual assault of a child under s. 948.02 (1) or (2).
- 14 13. Engaging in repeated acts of sexual assault of the same child under s.
- 15 948.025.
- 16 14. Physical abuse of a child under s. 948.03 (2).
- 17 15. Sexual exploitation of a child under s. 948.05.
- 18 16. Causing a child to view or listen to sexual activity under s. 948.055.
- 19 17. Incest with a child under s. 948.06.
- 20 18. Child enticement under s. 948.07.
- 21 19. Use of a computer to facilitate a child sex crime under s. 948.075.
- 22 20. Soliciting a child for prostitution under s. 948.08.
- 23 21. Sexual assault of a student by a school instructional staff person under s.
- 24 948.095.

1 22. Felony exposing a child to harmful material or harmful descriptions or
2 narrations under s. 948.11 (2) (a) or (am).

3 23. Possession of child pornography under s. 948.12.

4 24. Child sex offender working with children under s. 948.13 (2).

5 25. Neglecting a child under circumstances constituting a felony under s.
6 948.21.

7 26. Abduction of a child under s. 948.30.

8 27. Any felony crime in the commission of which a motor vehicle is used other
9 than those crimes specified in this paragraph or par. (b).

10 (d) Notwithstanding ss. 111.321, 111.322, and 111.335, the department may not
11 issue or renew a school bus endorsement if the applicant has been adjudicated
12 delinquent on or after his or her 12th birthday for committing any crime or other
13 offense specified under pars. (a) to (c) or by the department by rule under this
14 subsection within the time period specified under pars. (a) to (c) or by the department
15 by rule under this subsection.

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

17 343.12 (8) (a) The department shall promulgate rules specifying crimes or
18 other offenses, in addition to those specified in sub. (7), the conviction for which, or
19 adjudication of delinquency for which, disqualifies the applicant from initial
20 issuance or renewal of a school bus endorsement and, for each such crime or offense,
21 the time period within which the disqualification applies. The time period may be
22 permanent but may not be less than the time period specified in sub. (7) (a) to (c) for
23 a crime or other offense specified in sub. (7) (a) to (c). The disqualifying crimes or
24 other offenses specified by the department shall apply notwithstanding ss. 111.321,
25 111.322, and 111.335 and shall include crimes under chs. 940 and 944.

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

7 (c) The department shall promulgate rules to implement and administer this
8 section, including, for each disqualifying crime or offense specified in sub. (7) (a) and
9 (c), the time period within which the disqualification applies.

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

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

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

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

22 343.21 (1) (c) For the initial issuance or renewal of authorization to operate
23 school buses that are not commercial motor vehicles, \$5 \$10.

24 (d) For the initial issuance or renewal of authorization to operate "Class A",
25 "Class B" or "Class C" motor vehicles, or upgrading an existing regular license which

1 only authorizes the operation of "Class D" motor vehicles, \$64. This fee includes
 2 issuance of any "H", "N", "P", "S" or "T" endorsements or "Class D" authorization
 3 applied for at the same time for which the applicant is qualified. An additional fee
 4 of \$5 is required for the issuance or renewal of any "S" endorsement applied for or
 5 renewed at the same time for which the applicant is qualified.

6 (e) For upgrading an existing commercial driver license to add an "H", "N", "P",
 7 "S" or "T" endorsement, \$5, or, to add an "S" endorsement, \$10.

8 **SECTION 23.** 343.23 (2) (a) (intro.) of the statutes, as affected by 2003 Wisconsin
 9 Act 33, is amended to read:

10 343.23 (2) (a) (intro.) The department shall maintain a file for each licensee or
 11 other person containing the application for license, permit or endorsement, a record
 12 of reports or abstract of convictions, any notice received from the federal
 13 transportation security administration concerning the person's eligibility for an "H"
 14 endorsement specified in s. 343.17 (3) (d) 1m., the status of the person's authorization
 15 to operate different vehicle groups, a record of any out-of-service orders issued
 16 under s. 343.305 (7) (b) or (9) (am), ^{the date on which} a record of ~~any background investigation~~
 17 ^{was completed} specified in s. 343.12 (6) (a) or (d), and a record of any reportable accident in which
 18 the person has been involved, including specification of any type of license and
 19 endorsements issued under this chapter under which the person was operating at
 20 the time of the accident and an indication whether or not the accident occurred in the
 21 course of any of the following:

22 **SECTION 24.** 343.237 (title) and (2) of the statutes are amended to read:

23 **343.237 (title) Access to license and identification card photographs**
 24 **and fingerprints.**

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 25.** 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 26.** 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 27.** 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 28.** 343.237 (3) (d), (4m), (5), (6), (7), (8) and (10) of the statutes are
23 amended to read:

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

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.

14 **SECTION 29. Nonstatutory provisions.**

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 7th 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 7th month beginning after the effective date of this
25 subsection. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, these

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) of the statutes. The department of transportation
11 shall consult with the department of justice, department of public instruction, and
12 department of health and family services in conducting the study. By the first day
13 of the 12th month beginning after the effective date of this subsection, the
14 department of transportation shall report to the legislature, in the manner provided
15 under section 13.172 (2) of the statutes, the findings, conclusions, and
16 recommendations of the study.

17 (4) The department of public instruction, in consultation with the department
18 of transportation, shall study the costs and benefits of installing and maintaining
19 video cameras on school buses transporting children. By the first day of the 12th
20 month beginning after the effective date of this subsection, the department of public
21 instruction shall report to the legislature, in the manner provided under section
22 13.172 (2) of the statutes, the findings, conclusions, and recommendations of the
23 study.

24 **SECTION 30. Initial applicability.**

✓
Insert
21-23
→

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2317/lins
ARG:.....

INSERT 17-7: ✓

SECTION 1. 343.21 (3) of the statutes is created to read: ✓ ✓ ✓

343.21 (3) In addition to any fee required under sub. (1) (c), (d), or (e); the department may by rule require payment to the department of a fee, not to exceed the fee specified in s. 165.82 (1) (ar) by an applicant required to provide fingerprints under s. 343.12 (6) (a).
who is

INSERT 21-23: ✓

SECTION 2. Appropriation changes.

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

10/24/03

He w/ Tom Van Ess

- if they haven't lived w/in the state at any time for the previous 2 years, DOT must make a good faith effort to find out about ~~these things~~ ~~records~~ other crim. history

~~press conference on this~~

2.6, p. 10 →

policy under (?) DOT could develop a rule as to handle background checks for persons living out of state → may establish an applicant fee for ~~add~~

→ take all fingerprint costs out of draft →

for employer:

→ good faith

effort to do out of background check → good faith effort

related to add'l checks

Gary, Aaron

From: Van Ess, Thomas (Legislature)
Sent: Friday, October 24, 2003 2:14 PM
To: Gary, Aaron
Subject: RE: LRB-2317 changes

Aaron that works for me. I don't think we need the language including the fingerprint means. This can be determined by admin rule. Thanks, Tom

Thomas C. Van Ess
Chief of Staff
Office of Senator Mary A. Lazich

-----Original Message-----

From: Gary, Aaron
Sent: Friday, October 24, 2003 2:08 PM
To: Van Ess, Thomas (Legislature)
Subject: LRB-2317 changes

Tom,

Per our discussion, the new language, on p. 10 in bill section 17, would be: "If the applicant has not resided in this state at any time within the 2 years preceding the date of the search, the department shall make a good faith effort to obtain additional criminal history information from any state in which the applicant has resided during this time period or from any other applicable federal or state agency".

Does this work for you? At the end of this, we could also add: ", including by means of the procedure under par. (b) [the FBI fingerprint search]." I think it would be better with this phrase, but adding the phrase might be contrary to your needs. Do you want to add this phrase? Second, I note that this only requires the out of state search to go back 2 years - is this okay or do you want to specify a longer period? as a practical matter, I think if the search is done, it will probably be comprehensive (beyond 2 years).

Also per our discussion, I have added the following language at p. 16 bill section 19, relating to rule making: The new provision requires DOT to promulgate rules including "2. Procedures for obtaining additional criminal history information in compliance with sub. (6) (a) for applicants who have not resided in this state at any time in the preceding 2 years. The department may by rule establish fees for obtaining such information that are not greater than the fees charged to the department in connection with acquiring such information."

Does this work for you?

Please let me know as soon as you can so that I can get this wrapped up and into editing. Thanks. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

Needed
by
Tues. 10/28
end of day

RMC

2003 BILL

Gen. Cert.

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

BILL

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

Analysis by the Legislative Reference Bureau

Under current law, a person may not operate a school bus without a school bus endorsement issued by the Department of Transportation (DOT). DOT may issue a school bus endorsement to a person's valid motor vehicle operator's license if the person meets certain qualifications. DOT may not issue a school bus endorsement to an applicant if he or she has been convicted of specified offenses (including operating while intoxicated and operating with a suspended or revoked license) within the past two years, regardless of whether the circumstances of the offense are substantially related to the circumstances of operating a school bus, or has been convicted of other offenses (including a felony or an "offense against public morals") within the past five years, if the circumstances of the offense are substantially related to the circumstances of operating a school bus. A school bus endorsement is valid for the eight-year duration of the person's operator's license. Under certain circumstances, DOT must cancel the operator's license of a person to whom a school bus endorsement has been issued.

This bill modifies the existing criminal history requirements, and imposes additional requirements, for the initial issuance or renewal of a school bus endorsement. The bill:

1. Prohibits DOT from issuing or renewing a school bus endorsement to an applicant if the applicant has been convicted of or adjudicated delinquent for any specified disqualifying crime or offense within a prior minimum specified time period. These disqualifying crimes and offenses and minimum time periods for disqualification include those specified under current statutes as well as many new disqualifying crimes and offenses, including various crimes against children. The bill also authorizes DOT to specify by rule additional disqualifying crimes and offenses and the time period during which the disqualification applies. All disqualifying crimes and offenses provided for under the bill apply regardless of whether the circumstances of the offense are substantially related to the circumstances of operating a school bus. Under the bill, DOT also may not issue or renew a school bus endorsement to an applicant who identifies himself or herself as a person listed on the abuse registry maintained by the Department of Health and Family Services (DHFS).

2. Requires DOT to conduct a background investigation, including a criminal history search, of each applicant for initial issuance or renewal of a school bus endorsement, and to record in DOT's files the date on which the investigation was completed. Although a school bus endorsement is renewed every eight years, DOT must conduct a criminal history search every four years and, if appropriate, cancel the endorsement (as described in Item 4.).

3. Authorizes DOT to obtain fingerprints from an applicant for initial issuance or renewal of a school bus endorsement, and to submit the fingerprints for a record

7
DOT must also make a good faith effort to obtain out-of-state criminal history information for an applicant who has not resided in the state at any time in the prior two years.

fees

[Handwritten initials]

BILL

for whom DOT must make a good faith effort to obtain out-of-state criminal history information, limited to the fees incurred by DOT in obtaining such information.

check by the Federal Bureau of Investigation (FBI). ~~The bill requires DOT to conduct this FBI fingerprint search if the applicant is not, or was not at any time in the preceding three years, a resident of this state.~~ If DOT takes fingerprints of an applicant and retains them, DOT must generally keep the fingerprints confidential in the same manner required of photographs taken by DOT for operator's licenses. However, as with photographs taken for operator's licenses, DOT may, under certain circumstances and with certain limitations, release copies of the retained fingerprints to law enforcement for law enforcement purposes.

4. Requires DOT to cancel a school bus endorsement upon receipt of a record of conviction or adjudication of delinquency for a crime or offense that would disqualify the person from holding a school bus endorsement.

The fee for initial issuance of a school bus endorsement authorizing operation of a school bus that is not a commercial motor vehicle is \$5. The fee for upgrading an existing commercial driver license (CDL) to include a school bus endorsement is \$5, and there is no fee for initial issuance or renewal of a school bus endorsement to a CDL applied for with the initial issuance or renewal of the CDL. This bill increases, from \$5 to \$10, the existing fee for initial issuance of a non-CDL school bus endorsement and an upgrade of a CDL to include a school bus endorsement, clarifies that this fee applies upon renewal of a non-CDL school bus endorsement, and creates a \$5 fee for initial issuance or renewal of a school bus endorsement to a CDL applied for at the same time as the CDL. The bill also allows DOT to establish by rule ~~fees~~ for applicants ~~who require fingerprinting in an amount not to exceed the fee charged to DOT by the Department of Justice (DOJ) for coordinating an FBI fingerprint check.~~

Under current law, a person who is a resident of Iowa, Illinois, Michigan, or Minnesota and who is licensed to operate a school bus in the person's state of residence may be employed to operate a school bus in this state without holding a valid school bus endorsement issued by DOT. DOT may, however, impose standards on the employment of such persons, including requiring such persons to meet qualifications applicable to resident school bus operators. This bill requires DOT to impose standards prohibiting the employment of any such person who has been convicted of any specified disqualifying crime or offense and requiring employers to conduct background investigations of such persons.

Under current law, a school board, private school, or contractor providing pupil transportation services under contract with a school board may provide for the transportation of pupils to and from school using a motor vehicle that transports no more than nine passengers (school van), or a motor vehicle that transports ten or more passengers and that is authorized by DOT to be used temporarily under emergency circumstances (temporary school vehicle), if the vehicle and the operator meet certain requirements. Among the operator requirements is that the operator may not have been convicted of certain offenses within the past two years or certain other offenses within the past five years. These offenses are similar, but not identical, to the disqualifying offenses for a school bus endorsement under current law.

BILL

This bill modifies the existing requirements for operators of a school van or temporary school vehicle and imposes additional requirements that create more consistency between the requirements for operation of a school bus and the requirements for operation of a school van or temporary school vehicle. With respect to an individual employed by or under contract with any person (including a school district, private school, or contractor) to operate a school van or temporary school vehicle, other than an individual who holds a school bus endorsement, the bill:

1. Requires the person, before permitting the individual to operate such a vehicle and every four years thereafter, to request a criminal history search of the individual from DOJ, request the individual's motor vehicle operating record, and obtain a completed background information form from the individual.

2. Authorizes the person to obtain fingerprints from the individual and to submit the fingerprints for a record check by the FBI. ~~The bill requires the person to conduct this FBI fingerprint search if the individual is not, or was not at any time in the preceding three years, a resident of this state.~~ The fingerprints must otherwise be kept confidential.

3. Prohibits the person from permitting the individual to operate such a vehicle if the person knows or should know that the individual has a record of conviction or operating privilege revocation or adjudicated delinquency that would disqualify the individual from issuance or renewal of a school bus endorsement.

4. Prohibits the person from permitting the individual to operate such a vehicle if the person knows or should know that the individual has been convicted of providing materially false information on a background information form.

5. Requires the individual to inform the person of any traffic accident, conviction that would make the individual ineligible to be an operator, or suspension or revocation of the individual's operator's license or cancellation of the individual's school bus endorsement. (This requirement also applies to an individual who holds a school bus endorsement.)

6. Prohibits an individual from operating such a vehicle if the individual does not meet the eligibility requirements for operating such a vehicle.

The bill provides penalties for violation of its requirements by an individual (operator). Generally, the individual may be required to forfeit not more than \$100 for the first offense and not more than \$200 for each subsequent offense. However, an individual convicted of providing materially false or incomplete information on a background information form may be required to forfeit not more than \$1,000 and is permanently barred from subsequently operating a school van or temporary school vehicle.

The bill requires the Department of Public Instruction (DPI) to create a background information form and to prepare and make available informational materials related to the requirements imposed under the bill. The bill also requires DOT, in consultation with DOJ, DPI, and DHFS, to study and report on certain information technology aspects related to background investigation of applicants for school bus endorsements. The bill further requires DPI, in consultation with DOT, to study and report on the costs and benefits of installing and maintaining video cameras on school buses.

If the individual has not resided in the state at any time in the prior two years, the person must also make a good faith effort to obtain out-of-state criminal history information on the individual.

BILL

Under current law, the use of privately owned motor vehicles to transport pupils must be under written contract between the owner or lessee of the vehicles and the school district for which the transportation is provided. Under this bill, the contract must require the owner or lessee to perform any action necessary for the owner or lessee or the school board to fulfill its legal obligations with respect to transporting pupils by means of school vans or temporary school vehicles. The bill requires the school district and owner or lessee, upon written request from a parent or guardian of a pupil enrolled in the school district, to disclose the name of each driver who transports the pupil.

The bill requires DOT, within approximately six months, to submit proposed rules to administer the provisions of the bill to the Legislative Council Staff and to promulgate emergency rules to administer the provisions of the bill until the proposed rules submitted to the Legislative Council Staff become final. The bill delays the applicability of all of its provisions, except the rule-making provisions, for approximately six months, and delays for approximately six additional months the applicability of its provisions to those individual who are employed by or under contract with a school district, private school, or contractor to operate a school van or temporary school vehicle at the time of enactment of the bill.

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

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.

BILL

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

2 121.555 (3) (a) Subject to par. (c), any person that employs or contracts with
3 an individual, except an individual who holds a valid school bus endorsement issued
4 under s. 343.12, to operate a motor vehicle under sub. (1) to transport pupils shall
5 do all of the following before the individual is initially permitted to operate the
6 vehicle and every 4 years thereafter:

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

9 Notwithstanding ss. 111.321, 111.322, and 111.335, if the individual who is the
10 subject of the criminal history search ^{has not resided in} ~~is not a resident of~~ this state ~~or was not a~~
11 ~~resident of this state~~ at any time within the ³ years preceding the date of the search,

12 the person shall ~~obtain the individual's fingerprints and submit them to the~~
13 ~~department of justice for submission to the federal bureau of investigation as~~
14 ~~provided under par. (b).~~

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

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

22 (b) ~~Subject to par. (a)~~ any person that employs or contracts with an
23 individual to operate a motor vehicle under sub. (1) to transport pupils, except an
24 individual who holds a valid school bus endorsement issued under s. 343.12, may
25 require the individual to be fingerprinted on 2 fingerprint cards, each bearing a

make a good faith effort to obtain additional criminal history information from any state in which the individual has resided during this time period or from any other applicable federal or state agency.

BILL

1 complete set of the individual's fingerprints, or by other technologies approved by law
2 enforcement agencies. The department of justice may provide for the submission of
3 the fingerprint cards or fingerprints by other technologies to the federal bureau of
4 investigation for the purposes of verifying the identity of the individual fingerprinted
5 and obtaining records of his or her criminal arrests and convictions. Except as
6 provided in this paragraph, fingerprints obtained under this paragraph shall be kept
7 confidential.

8 (c) Notwithstanding ss. 111.321, 111.322, and 111.335, no person that employs
9 or contracts with an individual, except an individual who holds a valid school bus
10 endorsement issued under s. 343.12, to operate a motor vehicle under sub. (1) to
11 transport pupils may permit the individual to operate such a vehicle if any of the
12 following applies:

13 1. The person knows or should know that the individual has a record of
14 conviction or operating privilege revocation or adjudicated delinquency that would
15 disqualify the person from issuance or renewal of a school bus endorsement under
16 s. 343.12 (7) and rules promulgated by the department of transportation under s.
17 343.12 (7) and (8).

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

20 3. The person knows or should know that the individual is listed in the registry
21 under s. 146.40 (4g).

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

23 121.555 (4) (a) An individual who is employed by or under contract with a
24 person to operate a motor vehicle under sub. (1) to transport pupils shall report to
25 the person in writing within 10 days of the occurrence of any of the following:

BILL

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

5 2. Notwithstanding ss. 111.321, 111.322, and 111.335, any conviction or
6 operating privilege revocation that, under sub. (3) (c), makes the individual ineligible
7 to operate a motor vehicle under sub. (1) to transport pupils or, if the individual holds
8 a valid school bus endorsement issued under s. 343.12, that disqualifies the
9 individual from issuance or renewal of a school bus endorsement under s. 343.12 (7)
10 and rules promulgated by the department of transportation under s. 343.12 (7) and
11 (8).

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

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

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

17 121.555 (5) No individual may operate a motor vehicle under sub. (1) to
18 transport pupils if the individual is ineligible to do so under sub. (2) (c) and (cm) or
19 under sub. (3) (c).

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

21 121.555 (6) (a) The department shall prepare and make available to school
22 districts, private schools, and contractors providing pupil transportation services
23 informational materials, in printed or electronic form, relating to compliance with
24 this section.

BILL

1 (b) In consultation with persons that employ or contract with individuals to
2 operate motor vehicles under sub. (1), the department shall prescribe a background
3 information form for purposes of sub. (3). The form shall require an individual under
4 sub. (3) (a) to specify whether the individual is listed in the registry under s. 146.40
5 (4g).

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

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

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

12 121.555 (8) (a) Any individual who violates sub. (4) (a) or (5) may be required
13 to forfeit not more than \$100 for the first offense and not more than \$200 for each
14 subsequent offense.

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

17 **SECTION 10.** 343.12 (2) (intro.) of the statutes, as affected by 2003 Wisconsin
18 Act 33, is amended to read:

19 343.12 (2) (intro.) Except as provided in sub. (2m), the department shall issue
20 or, except as provided in par. (h), renew a school bus endorsement to a person only
21 if such person meets all of the following requirements:

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

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

24 343.12 (2) (dm) Notwithstanding ss. 111.321, 111.322, and 111.335, has been
25 subject to the background investigation specified in sub. (6) (a) and does not have a

BILL

1 record of conviction or of adjudication of delinquency or operating privilege
2 revocation that disqualifies the person from issuance or renewal of a school bus
3 endorsement under sub. (7) or rules promulgated by the department under subs. (7)
4 and (8).

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

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

7 343.12 (2) (em) Is not, based upon the person's application, listed in the registry
8 under s. 146.40 (4g).

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

10 343.12 (4) (b) The department ~~may~~ shall, by rule, establish standards for the
11 employment by an employer of a person under par. (a) 3. as an operator of a school
12 bus in this state. The rules may require the person to meet the qualifications
13 contained in sub. (2) or (3) and any rules of the department applicable to residents,
14 except that the rules shall require the person to meet the qualifications contained in
15 sub. (2) (dm) and (em). The rules shall also require the employer to perform the
16 actions specified in s. 121.555 (3) (a) 1. and 3.

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

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

19 343.12 (6) (a) Notwithstanding ss. 111.321, 111.322, and 111.335, prior to the
20 initial issuance or renewal of a school bus endorsement, the department shall
21 conduct a background investigation of the applicant. In conducting the background
22 investigation, the department shall obtain from the records maintained by the
23 department of justice a criminal history search of the applicant. If the applicant ~~is~~
24 ^{has not resided in} ~~not a resident of~~ this state ~~or was not a resident of this state~~ at any time within the
25 ² years preceding the date of the search, the department shall obtain the applicant's

Handwritten vertical scribbles on the right margin.

applicable federal or state agency.

make a good faith effort to obtain additional criminal history information from any state in which the applicant has resided during this time period or from any other ~~database or source subject to redaction~~.

BILL

1 ~~fingerprints and submit them to the department of justice for submission to the~~
2 ~~federal bureau of investigation as provided under par. (b).~~ The department shall
3 record in the applicant's file specified in s. 343.23 (2) (a) the date on which the
4 background investigation was completed.

5 (b) ~~Subject to par. (a),~~ the department may require an applicant for the initial
6 issuance or renewal of a school bus endorsement to be fingerprinted on 2 fingerprint
7 cards, each bearing a complete set of the person's fingerprints, or by other
8 technologies approved by law enforcement agencies. The department of justice may
9 provide for the submission of the fingerprint cards or fingerprints by other
10 technologies to the federal bureau of investigation for the purposes of verifying the
11 identity of the person fingerprinted and obtaining records of his or her criminal
12 arrests and convictions.

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

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

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

22 343.12 (7) (a) Notwithstanding ss. 111.321, 111.322, and 111.335, the
23 department may not issue or renew a school bus endorsement if, within the time
24 period specified by the department by rule but not less than 2 years immediately
25 preceding the date of application, the applicant has been convicted of a violation of

BILL

1 any of the following state laws or any local ordinance in conformity with any of the
2 following state laws or any federal law or law of a federally recognized American
3 Indian tribe or band in this state or law of another jurisdiction that would be a
4 violation of any of the following state laws if the person had committed the offense
5 in this state and been convicted of the offense under the laws of this state:

- 6 1. Reckless driving under s. 346.62.
- 7 2. Operating a motor vehicle while operating privileges are suspended or
8 revoked or while the operator is disqualified under s. 343.44 (1) (a), (b), or (d).
- 9 3. Second-degree reckless homicide under s. 940.06 if the offense results from
10 the operation of a motor vehicle.
- 11 4. Homicide by intoxicated use of a vehicle under s. 940.09 (1).
- 12 5. Homicide by negligent operation of a vehicle under s. 940.10.
- 13 6. Injury by intoxicated use of a vehicle under s. 940.25 (1).
- 14 7. Causing injury by operating a motor vehicle under the influence of an
15 intoxicant or other drug under s. 346.63 (2).
- 16 8. Causing injury by operating a commercial motor vehicle with a prohibited
17 alcohol concentration under s. 346.63 (6).
- 18 9. Operating a motor vehicle under the influence of an intoxicant or other drug
19 or with a prohibited alcohol concentration under s. 346.63 (1).
- 20 10. Operating a commercial motor vehicle with a prohibited alcohol
21 concentration under s. 346.63 (5).
- 22 11. Operating a motor vehicle while under the legal drinking age with a
23 prohibited alcohol concentration under s. 346.63 (2m).
- 24 12. Failure to stop and render assistance at the scene of a motor vehicle
25 accident under s. 346.67 (1) (c).

BILL

1 13. Fleeing from or attempting to elude a traffic officer under s. 346.04 (3).

2 14. Operating a commercial motor vehicle or being on duty time while having
3 any alcohol concentration, within 4 hours of consuming alcohol or being intoxicated,
4 or while possessing alcohol under s. 346.63 (7) (a) if the applicant has been previously
5 convicted of any offense under s. 346.63 (7) (a) or any local ordinance in conformity
6 with s. 346.63 (7) (a) or any federal law or law of a federally recognized American
7 Indian tribe or band in this state or law of another jurisdiction that would be a
8 violation of s. 346.63 (7) (a) if the applicant had committed the offense in this state
9 and been convicted of the offense under the laws of this state.

10 (b) Notwithstanding ss. 111.321, 111.322, and 111.335, the department may not
11 issue or renew a school bus endorsement if, within 2 years immediately preceding
12 the date of application, the applicant has had his or her operating privilege revoked
13 under s. 343.305 (10) for refusal to submit to chemical testing or has been convicted
14 in another jurisdiction or had his or her operating privilege in another jurisdiction
15 suspended or revoked under any law of that jurisdiction prohibiting refusal of
16 chemical testing that is comparable to s. 343.305.

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

BILL

- 1 1. First-degree intentional homicide under s. 940.01.
- 2 2. First-degree reckless homicide under s. 940.02.
- 3 3. Felony murder under s. 940.03.
- 4 4. Second-degree intentional homicide under s. 940.05.
- 5 5. Assisting suicide under s. 940.12.
- 6 6. Felony battery under s. 940.19 (2), (3), (4), (5), or (6).
- 7 7. Sexual exploitation by a therapist under s. 940.22 (2).
- 8 8. Felony sexual assault under s. 940.225 (1), (2), or (3).
- 9 9. Abuse of a vulnerable adult under circumstances constituting a felony under
10 s. 940.285 (2).
- 11 10. Abuse of a resident of a penal facility under s. 940.29.
- 12 11. Abuse or neglect of a patient or resident under circumstances constituting
13 a felony under s. 940.295.
- 14 12. Sexual assault of a child under s. 948.02 (1) or (2).
- 15 13. Engaging in repeated acts of sexual assault of the same child under s.
16 948.025.
- 17 14. Physical abuse of a child under s. 948.03 (2).
- 18 15. Sexual exploitation of a child under s. 948.05.
- 19 16. Causing a child to view or listen to sexual activity under s. 948.055.
- 20 17. Incest with a child under s. 948.06.
- 21 18. Child enticement under s. 948.07.
- 22 19. Use of a computer to facilitate a child sex crime under s. 948.075.
- 23 20. Soliciting a child for prostitution under s. 948.08.
- 24 21. Sexual assault of a student by a school instructional staff person under s.
25 948.095.

BILL

1 22. Felony exposing a child to harmful material or harmful descriptions or
2 narrations under s. 948.11 (2) (a) or (am).

3 23. Possession of child pornography under s. 948.12.

4 24. Child sex offender working with children under s. 948.13 (2).

5 25. Neglecting a child under circumstances constituting a felony under s.
6 948.21.

7 26. Abduction of a child under s. 948.30.

8 27. Any felony crime in the commission of which a motor vehicle is used other
9 than those crimes specified in this paragraph or par. (b).

10 (d) Notwithstanding ss. 111.321, 111.322, and 111.335, the department may not
11 issue or renew a school bus endorsement if the applicant has been adjudicated
12 delinquent on or after his or her 12th birthday for committing any crime or other
13 offense specified under pars. (a) to (c) or by the department by rule under this
14 subsection within the time period specified under pars. (a) to (c) or by the department
15 by rule under this subsection.

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

17 343.12 (8) (a) The department shall promulgate rules specifying crimes or
18 other offenses, in addition to those specified in sub. (7), the conviction for which, or
19 adjudication of delinquency for which, disqualifies the applicant from initial
20 issuance or renewal of a school bus endorsement and, for each such crime or offense,
21 the time period within which the disqualification applies. The time period may be
22 permanent but may not be less than the time period specified in sub. (7) (a) to (c) for
23 a crime or other offense specified in sub. (7) (a) to (c). The disqualifying crimes or
24 other offenses specified by the department shall apply notwithstanding ss. 111.321,
25 111.322, and 111.335 and shall include crimes under chs. 940 and 944.

BILL

all of the following:

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

7 (c) The department shall promulgate rules to implement and administer this
8 section, including ~~for~~ ^{P.L. For} each disqualifying crime or offense specified in sub. (7) (a) and
9 (c), the time period within which the disqualification applies.

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

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

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

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

22 343.21 (1) (c) For the initial issuance or renewal of authorization to operate
23 school buses that are not commercial motor vehicles, \$5 \$10.

24 (d) For the initial issuance or renewal of authorization to operate "Class A",
25 "Class B" or "Class C" motor vehicles, or upgrading an existing regular license which

may by rule establish fees for obtaining such information that are not greater than the fees charged to the department in connection with acquiring such information.

¶ 2. Procedures for obtaining additional criminal history information in compliance with sub. (b)(a) for applicants who have not resided in this state at any time in the preceding 2 years. The department

BILL

1 only authorizes the operation of "Class D" motor vehicles, \$64. This fee includes
 2 issuance of any "H", "N", "P", "S" or "T" endorsements or "Class D" authorization
 3 applied for at the same time for which the applicant is qualified. An additional fee
 4 of \$5 is required for the issuance or renewal of any "S" endorsement applied for or
 5 renewed at the same time for which the applicant is qualified.

6 (e) For upgrading an existing commercial driver license to add an "H", "N", "P",
 7 "S" or "T" endorsement, \$5, or, to add an "S" endorsement, \$10.

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

9 343.21 (3) In addition to any fee required under sub. (1) (c), (d), or (e), the
 10 department may ~~by rule~~ require payment to the department of ~~a fee not to exceed~~
 11 ~~any~~ *any* ~~established by rule under s. 343.12 (8) (c) 2. ✓~~
 12 ~~the fee specified in s. 165.82 (1) (a), by an applicant who is required to provide~~
 fingerprints under ~~s. 343.12 (6) (a)~~

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

15 343.23 (2) (a) (intro.) The department shall maintain a file for each licensee or
 16 other person containing the application for license, permit or endorsement, a record
 17 of reports or abstract of convictions, any notice received from the federal
 18 transportation security administration concerning the person's eligibility for an "H"
 19 endorsement specified in s. 343.17 (3) (d) 1m., the status of the person's authorization
 20 to operate different vehicle groups, a record of any out-of-service orders issued
 21 under s. 343.305 (7) (b) or (9) (am), a record of the date on which any background
 22 investigation specified in s. 343.12 (6) (a) or (d) was completed, and a record of any
 23 reportable accident in which the person has been involved, including specification
 24 of any type of license and endorsements issued under this chapter under which the

BILL

1 person was operating at the time of the accident and an indication whether or not the
2 accident occurred in the course of any of the following:

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

4 **343.237 (title) Access to license and identification card photographs**
5 **and fingerprints.**

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

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

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

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

20 343.237 (3) (a) The name of the person whose photograph or fingerprint is
21 requested.

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

BILL

1 343.237 (3) (c) (intro.) A statement signed by a division commander or higher
2 authority within the law enforcement agency that the photograph or fingerprint is
3 requested for any of the following purposes:

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

6 343.237 (3) (d) ~~A-~~ For requests for photographs only, a statement that the
7 request is not made solely to obtain a photograph for use as part of a photo lineup or
8 photo array.

9 **(4m)** The department shall attach to each copy of a photograph or fingerprint
10 provided under this section the notation: “This photograph is subject to the
11 requirements and restrictions of section 343.237 of the Wisconsin Statutes.” or “This
12 fingerprint is subject to the requirements and restrictions of section 343.237 of the
13 Wisconsin Statutes.”

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

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

BILL

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

3 (8) (a) Any law enforcement agency that receives a photograph or fingerprint
4 provided to a law enforcement agency under this section shall keep the copy of the
5 photograph or fingerprint confidential and may disclose it only if disclosure is
6 necessary to perform a law enforcement function and the person to whom the copy
7 of the photograph or fingerprint is disclosed agrees to comply with par. (c).

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

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

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

SECTION 30. Nonstatutory provisions.

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

23 (2) Using the emergency rules procedure under section 227.24 of the statutes,
24 the department of transportation shall promulgate the rules required under section
25

BILL

1 343.12 (7) and (8) of the statutes, as created by this act, for purposes of implementing
2 this act, for the period before the effective date of the rules submitted under
3 subsection (1). The department shall promulgate these emergency rules no later
4 than the first day of the 7th month beginning after the effective date of this
5 subsection. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, these
6 emergency rules may remain in effect until June 30, 2005, or the date on which
7 permanent rules take effect, whichever is sooner. Notwithstanding section 227.24
8 (1) (a) and (3) of the statutes, the department is not required to provide evidence that
9 promulgating a rule under this subsection as an emergency rule is necessary for the
10 preservation of the public peace, health, safety, or welfare and is not required to
11 provide a finding of emergency for a rule promulgated under this subsection.

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

22 (4) The department of public instruction, in consultation with the department
23 of transportation, shall study the costs and benefits of installing and maintaining
24 video cameras on school buses transporting children. By the first day of the 12th
25 month beginning after the effective date of this subsection, the department of public

BILL

1 instruction shall report to the legislature, in the manner provided under section
2 13.172 (2) of the statutes, the findings, conclusions, and recommendations of the
3 study.

SECTION 31. Appropriation changes.

4
5 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation
6 to the department of transportation under section 20.395 (5) (cq) of the statutes, as
7 affected by the acts of 2003, the dollar amount is increased by \$10,000 for fiscal year
8 2004–05 to increase funding for determining the qualifications of applicants for
9 issuance or renewal of school bus endorsements to operators' licenses.

SECTION 32. Initial applicability.

10
11 (1) The treatment of section 121.555 (3), (4), (5), (6), (7), and (8) of the statutes
12 first applies on the first day of the 7th month beginning after the effective date of this
13 subsection with respect to any individual who is employed or under contract to
14 transport pupils in a motor vehicle under section 121.555 (1) of the statutes
15 immediately prior to the effective date of this subsection.

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

18 (3) This act first applies to applications for initial issuance or renewal of a
19 school bus endorsement submitted to the department of transportation on the
20 effective date of this subsection.

21 **SECTION 33. Effective dates.** This act takes effect on the first day of the 7th
22 month beginning after publication, except as follows:

23 (1) The treatment of section 343.12 (8) of the statutes and SECTION 30 (1), (2),
24 (3), and (4) of this act take effect on the day after publication.

BILL

1 (2) The treatment of section 343.23 (2) (a) (intro.) of the statutes takes effect
2 on November 1, 2003, or on the day after publication, whichever is later.

3 (END)

Gary, Aaron

From: Van Ess, Thomas (Legislature)
Sent: Tuesday, October 28, 2003 1:16 PM
To: Gary, Aaron
Subject: FW: Study Language

Aaron, can we have language that the department reports back in six months. Thanks, Tom

Thomas C. Van Ess
Chief of Staff
Office of Senator Mary A. Lazich

-----Original Message-----

From: Moran, Christian
Sent: Tuesday, October 28, 2003 1:05 PM
To: Van Ess, Thomas (Legislature)
Subject: Study Language

Require DPI, in consultation with DOT, the Wisconsin School Bus Association, state child advocacy groups, and others, to study and report to the Legislature on:

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

Strategies to increase the availability and effectiveness of and participation in training for operators of school buses and alternative vehicles under s. 121.555 on: (1) the special needs involved in transporting children with disabilities; and (2) safe and effective methods of maintaining order and discipline on the bus or alternative school vehicle.