

2003 Senate Bill 3

Date of enactment: **April 20, 2004**

Date of publication*: **May 4, 2004**

2003 WISCONSIN ACT 297

AN ACT *to amend* 346.95 (4); and *to create* 85.01 (2m), 85.21 (2) (f), 85.21 (3m), 341.10 (15) and 346.923 of the statutes; **relating to:** the specialized transportation assistance program, minimum qualifications for the operator of a human service vehicle, the registration of human service vehicles, and providing penalties.

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

SECTION 1. 85.01 (2m) of the statutes is created to read:

85.01 (2m) "Operator" has the meaning given in s. 340.01 (41).

SECTION 2. 85.21 (2) (f) of the statutes is created to read:

85.21 (2) (f) "Human service vehicle" has the meaning given in s. 340.01 (23g).

SECTION 3. 85.21 (3m) of the statutes is created to read:

85.21 (3m) SERVICE PROHIBITIONS.

(b) Notwithstanding ss. 111.321, 111.322, and 111.335, and subject to par. (bm), no specialized transportation service that is operated by a county or that contracts with a county for services under this section may do any of the following:

4. Employ as an operator of a human service vehicle any person who the specialized transportation service knows or should have known does not meet the requirements for a school endorsement specified under s. 343.12 (2) (d) and (e) and any rule established by the department under s. 343.12 (2) (d) and (e).

5. Employ as an operator of a human service vehicle any person who the specialized transportation service

knows or should have known does not possess a valid operator's license issued under ch. 343 or by another jurisdiction that authorizes the operation of any human service vehicle to be operated by that operator.

7. Employ as an operator of a human service vehicle any person for whom the specialized transportation service has not obtained an operating record as required under par. (dm).

10. Employ as an operator of a human service vehicle any person who has not, within the previous 24 months, been fully trained in the proper use of all passenger restraint systems available in the human service vehicle operated by that operator.

(bm) Notwithstanding par. (b) 4. and 5., a specialized transportation service that is operated by a county or that contracts with a county for services under this section may employ as an operator of a human service vehicle any person holding a valid school bus endorsement under s. 343.12 that was issued or renewed within 4 years prior to employment.

(d) Notwithstanding ss. 111.321, 111.322, and 111.335, prior to employing any person, other than a person holding a valid school bus endorsement under s. 343.12 that was issued or renewed within 4 years prior to employment, as an operator, a specialized transportation service shall obtain from the records maintained by the department of justice, and the department of justice shall

* Section 991.11, WISCONSIN STATUTES 2001-02 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

provide, a criminal history search of the person. Notwithstanding ss. 111.321, 111.322, and 111.335, if the person who is the subject of the criminal history search is not a resident of this state, or if at any time within the 3 years preceding the date of the search that person has not been a resident of this state, the specialized transportation service shall make a good faith effort to obtain promptly from any state in which the person is a resident, or was a resident within the 3 years preceding the date of the search, information that is equivalent to a criminal history.

(dm) 1. Every specialized transportation service that is operated by a county or that contracts with a county for services under this section shall, prior to employing any person, other than a person holding a valid school bus endorsement under s. 343.12 that was issued or renewed within the previous 4 years, as an operator of a human service vehicle, obtain the person's operating record from the department under s. 343.24 or, if the operating record has already been obtained by another entity, from that entity if there are reasonable grounds to believe that the operating record obtained from that entity is accurate and was furnished by the department to that entity not more than 2 months previously.

2. No later than every 4 years, every specialized transportation service that is operated by a county or that contracts with a county for services under this section shall obtain, in the manner provided in subd. 1., an updated operating record for any person employed as an operator of a human service vehicle by the specialized transportation service.

SECTION 4. 341.10 (15) of the statutes is created to read:

341.10 (15) The vehicle is required to be inspected under s. 110.05 and any of the following applies:

(a) The vehicle has not been inspected.

(b) The most recent inspection of the vehicle indicates noncompliance with ss. 110.05 and 110.075 or ch. 347 or rules promulgated under those sections or ch. 347.

SECTION 5. 346.923 of the statutes is created to read:

346.923 Human service vehicles; minimum operator qualifications. (1) Notwithstanding ss. 111.321, 111.322, and 111.335, no person may operate a human service vehicle transporting any passenger unless all of the following apply:

(a) The operator possesses a valid operator's license issued under ch. 343 or by another jurisdiction that authorizes the operation of the human service vehicle.

(f) The operator holds a valid school bus endorsement under s. 343.12 or the operator meets the requirements specified under s. 343.12 (2) (d) and (e) and any rule established by the department under s. 343.12 (2) (d) and (e).

(h) The operator has, within the 2 previous years, been fully trained in the proper use of all passenger restraint systems available in the human service vehicle.

SECTION 6. 346.95 (4) of the statutes is amended to read:

346.95 (4) Any person violating s. 346.923 (1) or (2), 346.925₁ or 346.94 (8) or (8m) may be required to forfeit not to exceed more than \$20 for the first offense or ~~not to exceed~~ and not more than \$50 for each subsequent offense.

SECTION 7. Initial applicability.

(1) The treatment of section 341.10 (15) of the statutes first applies to applications for registration submitted on the first day of the 4th month beginning after publication.

SECTION 8. Effective date.

(1) This act takes effect on the first day of the 4th month beginning after publication.
