

2003 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-SB3)

Received: **03/16/2004**

Received By: **agary**

Wanted: **Today**

Identical to LRB:

For: **Donald Friske (608) 266-7694**

By/Representing: **self**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - mass transit**
Transportation - miscellaneous

Extra Copies: **PJH**

Submit via email: **YES**

Requester's email: **Rep.Friske@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

specialized transportation services and human service vehicle operators

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 03/16/2004	kgilfoy 03/16/2004		_____			
/1			pgreensl 03/16/2004	_____	sbasford 03/16/2004	sbasford 03/16/2004	

FE Sent For:

<END>

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1?	agary	1-3/16 Kmg	3/16 P8	3/16 P8			

FE Sent For:

<END>

3/16/04

Friske - wants a sub; take out everything except:)
- ~~take~~

AM : ^{crim.} background checks
operating record checks

+ exempt for S endorsement

Oct. 27 '03

req. that STS provide passenger
restraint tray

• no penalty section

• refusal to register the vehicle if vehicle
inspection is not met

- add Sherman andt - a 2072/1

50475/1
LRB: [unclear]
ARG:kmg:pg
↑
X M N R

>
>

Assembly Substitute Amendment,

2003 SENATE BILL 3

January 10, 2003 - Introduced by Senators LAZICH, A. LASEE, STEPP and DARLING, cosponsored by Representatives GUNDRUM, STONE, GUNDERSON, TURNER, LADWIG, MUSSER, ADNSWORTH, KERKMAN, PLALE, LASSA, STEINBRINK and VAN ROY. Referred to Committee on Transportation and Information Infrastructure

Gen. Asst.

1 AN ACT to renumber 85.01 (1); to amend 85.21 (3) (c) and 346.95 (4); and to
2 create 85.01 (1g), 85.01 (2m), 85.21 (3m), 85.21 (5), 165.83 (2) (ng), 341.10 (15)
3 and 346.923 of the statutes; relating to: the specialized transportation
4 assistance program, minimum qualifications for the operator of a human
5 service vehicle, the registration of human service vehicles, and providing
6 penalties.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, any motor vehicle used to transport elderly or disabled persons in connection with a transportation assistance program for these persons is called a "human service vehicle." No person may drive a human service vehicle unless the vehicle is insured with property damage liability coverage of not less than \$10,000 and bodily injury liability coverage of not less than \$75,000 per person. Current law establishes no minimum qualifications for the driver of a human service vehicle.

This bill establishes minimum qualifications for the driver of a human service vehicle. Under the bill, no person may drive a human service vehicle transporting passengers unless the person possesses a valid driver's license; has not, in the preceding year, operated a motor vehicle involved in more than two traffic accidents resulting in convictions; has not, in the preceding five years, been convicted of any specified violation relating to the operation of a human service vehicle; has not, in

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the preceding two years, been convicted of operating a motor vehicle while intoxicated; has not, at any time, been convicted of any specified serious crime, including homicide, battery, sexual assault, abuse of a vulnerable adult, abuse or neglect of a person in a residential or treatment facility, and abuse, exploitation, or neglect of a child; has not, in the preceding five years, been otherwise convicted of a felony or offense against public morals; has recently been trained in the proper use of passenger restraint systems; and conspicuously displays any identification card required to be issued by the person's employer. A person who drives a human service vehicle in violation of these minimum qualifications (a violating driver) may be required to forfeit not more than \$20 for a first violation and not more than \$50 for each subsequent violation.

Under the bill, any person who is hired to drive a human service vehicle in connection with a specialized transportation service (STS) that is operated by a county or that contracts with a county must submit to the STS, prior to employment (or within one year of the effective date of the bill for those persons already employed by an STS at the time of enactment), and every 4 years thereafter, a completed background information form created by the Department of Transportation (DOT) to determine the person's eligibility to operate human service vehicles. A person convicted of providing materially false or incomplete information on a required background information form may be required to forfeit not more than \$1,000 and is permanently barred from subsequently operating human service vehicles transporting passengers. Any person who drives a human service vehicle for an STS must also report to the STS any motor vehicle accident involving the person as an operator and any suspension or revocation of the person's operating privilege.

In addition to requiring an STS to obtain background information forms from current and prospective employees, the bill requires the STS to obtain vehicle operating records and criminal history searches for employee drivers and persons to be hired as drivers. The bill prohibits an STS from:

1. Employing any driver whom the STS knows or should have known does not meet the minimum qualifications for operation of a human service vehicle.
2. Employing any driver for whom the STS has not obtained a completed background information form and an operating record.
3. Allowing any driver to operate a human service vehicle beyond specified maximum operating hours.

An STS that employs a driver of a human service vehicle in violation of these requirements may be fined not more than \$1,000 for a first offense and not less than \$1,000 nor more than \$5,000 for each subsequent offense. An STS that fails to obtain a required criminal history search or operating record may be required to forfeit not more than \$200.

The bill prohibits counties from entering into a contract with any STS that employs a violating driver or that has otherwise violated these obligations within the previous 12 months unless the violation was remedied before the contract is entered into and not later than 30 days after the STS received notice of the violation. The bill also requires that any contract between a county and an STS allow the county to terminate the contract without liability if the STS employs a violating driver or

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otherwise violates these obligations during the term of the contract. Under the bill, any contract between DOT and a county relating to the specialized transportation assistance program must specify that DOT may not make payments to a county that violates its obligations.

This bill requires DOT to prescribe and provide the background information forms to be completed by drivers and to prepare and make available informational materials. The bill requires the Department of Justice to provide criminal background information to requesting STSs and to prepare and make available informational materials.

Current law also requires an annual inspection of the equipment and condition of human service vehicles. This bill prohibits DOT from registering a human service vehicle that has not passed a required annual inspection.

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:

SECTION 1. 85.01 (1) of the statutes is renumbered 85.01 (1m).

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

85.01 (1g) "Background information form" means the background information form prescribed by the department under s. 346.923 (3) (a).

SECTION 3. 85.01 (2m) of the statutes is created to read:

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

SECTION 4. 85.21 (3) (c) of the statutes is amended to read:

85.21 (3) (c) To make and execute contracts with counties to ensure the provision of specialized transportation service, subject to sub. (3m). Payments under such contracts to eligible applicants shall not exceed the county proportionate share, except as supplemented under par. (e) or (f). A contract under this paragraph shall prohibit the department from making any payments under this paragraph to a county that violates sub. (3m) (a) or, if a specialized transportation service is operated by a county, sub. (3m) (b). A contract under this section paragraph shall

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1 require the county to make a matching contribution of 20% of the contract amount
2 and to furnish information determined necessary by the department for periodic
3 program monitoring and year-end auditing and evaluation. A contract may permit
4 a county to hold aids received under this section on or after July 2, 1983, in trust,
5 according to rules promulgated by the department, for the exclusive purpose of
6 acquiring or maintaining equipment used for services authorized under this section.
7 All aids held in trust, as well as any accumulated interest, not expended for the
8 authorized purposes, shall be returned to the department for deposit in the
9 transportation fund. Nothing in this paragraph entitles a county to any investment
10 interest accumulated prior to the time the aid payment is actually received by the
11 county.

12 SECTION 5. 85.21 (3m) of the statutes is created to read:

13 85.21 (3m) ~~CONTRACT RESTRICTIONS~~ SERVICE PROHIBITIONS. (a) No county may
14 enter into a contract for services under this section with a specialized transportation
15 service that has violated par. (b) within the previous 12 months unless the violation
16 has been remedied before the contract is entered into and the violation was remedied
17 no later than 30 days after the specialized transportation service received notice of
18 the violation. A contract between a county and a specialized transportation service
19 for services under this section shall provide that, if the specialized transportation
20 service violates par. (b) during the term of the contract, the county may terminate
21 the contract without liability for the uncompleted portion of the contract or the
22 county may, if the county determines that the violation of par. (b) is of a nature that
23 may be remedied, withhold payment under the contract until the specialized
24 transportation service remedies the violation.

SENATE BILL 3

*and subject to
par. (bm),*

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

4 1. Employ as an operator any person who the specialized transportation service
5 knows or should have known has been convicted, within the previous 60 months, of
6 a violation of s. 346.923 other than a violation of s. 346.923 (1) (g).

7 2. Employ as an operator any person who the specialized transportation service
8 knows or should have known has been convicted, within the previous 24 months, of
9 a violation of s. 346.63 (1), (2m), or (5) or a local ordinance in conformity therewith,
10 or a violation of s. 346.63 (2) or (6), 940.09 (1), or 940.25, or a violation of federal law
11 or the law of a federally recognized American Indian tribe or band in this state or the
12 law of another jurisdiction that would be a violation of s. 346.63 (1), (2), (2m), (5), or
13 (6), 940.09 (1), or 940.25 if the person had committed the offense in this state and
14 been convicted of the offense under the laws of this state, or of an offense specified
15 in s. 343.12 (2) (d) other than an offense under s. 346.63 (7) or a local ordinance in
16 conformity with s. 346.63 (7) or a law of a federally recognized American Indian tribe
17 or band in this state in conformity with s. 346.63 (7), or of 2 or more offenses under
18 s. 346.63 (7) or a local ordinance in conformity with s. 346.63 (7) or a law of a federally
19 recognized American Indian tribe or band in this state in conformity with s. 346.63
20 (7).

21 3. Notwithstanding subd. 2., employ as an operator any person who the
22 specialized transportation service knows or should have known has been convicted
23 of a violation of sub. (5) (c) or s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (3),
24 (4), (5), or (6), 940.22 (2) or (3), 940.225 (1), (2), or (3), 940.285 (2), 940.29, 940.295,
25 948.02 (1) or (2), 948.025, 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.11

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1 ~~(2) (a) or (am), 948.12, 948.13, 948.21 (1), or 948.30 or a violation of federal law or the~~
 2 ~~law of a federally recognized American Indian tribe or band in this state or the law~~
 3 ~~of another jurisdiction that would be a violation of s. 940.01, 940.02, 940.03, 940.05,~~
 4 ~~940.12, 940.19 (2), (3), (4), (5), or (6), 940.22 (2) or (3), 940.225 (1), (2), or (3), 940.285~~
 5 ~~(2), 940.29, 940.295, 948.02 (1) or (2), 948.025, 948.03 (2), 948.05, 948.055, 948.06,~~
 6 ~~948.07, 948.08, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1), or 948.30 if the~~
 7 ~~person had committed the offense in this state and been convicted of the offense~~
 8 ~~under the laws of this state.~~

9 4. ~~Notwithstanding subd. 2 and subject to subd. 2(a)~~ employ as an operator ~~any~~
 10 person who the specialized transportation service knows or should have known does
 11 ^{for a school bus endorsement} not meet the requirements specified under s. 343.12 (2)(e) and any rule established (d) and
 12 by the department under s. 343.12 (2)(e).

13 5. Employ as an operator ~~any person who the specialized transportation service~~
 14 knows or should have known does not possess a valid operator's license issued under
 15 ch. 343 or by another jurisdiction that authorizes the operation of any human service
 16 vehicle to be operated by that operator.

17 6. ~~Employ as an operator any person who the specialized transportation service~~
 18 ~~knows or should have known was involved, in the previous 12 months, as the~~
 19 ~~operator of a motor vehicle in more than 2 traffic accidents that resulted in~~
 20 ~~convictions for violations of laws related to motor vehicle use or operation.~~

21 7. Employ as an operator ~~any person for whom the specialized transportation~~
 22 service has not obtained an operating record as required under par. (dm).

23 8. Allow a person to operate a human service vehicle prior to the specialized
 24 transportation service issuing to the person an identification card containing the
 25 person's name and photograph and identifying the person as an operator, and prior

of a human service vehicle

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of a human service vehicle

1 to designating a location for conspicuous display of the identification card in clear
2 view of passengers in each human service vehicle.

3 9. Allow any operator to operate a human service vehicle for more than 10 hours
4 in any 18-hour period or, if the specialized transportation service does not operate
5 human service vehicles every day of the week, for any time exceeding 60 hours in any
6 period of 7 consecutive days or, if the specialized transportation service operates
7 human service vehicles every day of the week, for any time exceeding 70 hours in any
8 period of 8 consecutive days.

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

12 11. Employ as an operator any person who has not submitted to the specialized,
13 transportation service any completed background information form required under
14 sub. (5) (a) or (b).

15 (c) Notwithstanding ss. 111.321, 111.322, and 111.335, if a background
16 information form submitted by a person under par. (b) 11. indicates that the person
17 is not eligible under s. 346.923 to operate a human service vehicle transporting any
18 passengers, a specialized transportation service may not employ the person as an
19 operator pending the receipt of the information sought under par. (d).

20 (d) Notwithstanding ss. 111.321, 111.322, and 111.335, ~~within 60 days after~~
21 ~~receipt of a completed background information form from a person specified in sub.~~

22 (5) (a) ~~who would otherwise be hired~~ as an operator by ~~the specialized transportation~~
23 ~~service or from a person specified in sub. (5) (b),~~ a specialized transportation service
24 shall obtain from the records maintained by the department of justice, and the
25 department of justice shall provide, a criminal history search of the person.

Insert
7-14

Insert
7-22

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of a human service vehicle

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

8 (dm) 1. Every specialized transportation service that is operated by a county
 9 or that contracts with a county for services under this section shall, prior to
 10 employing any person as an operator, obtain the person's operating record from the
 11 department under s. 343.24 or, if the operating record has already been obtained by
 12 another entity, from that entity if there are reasonable grounds to believe that the
 13 operating record obtained from that entity is accurate and was furnished by the
 14 department to that entity not more than 2 months previously.

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

19 ~~(e) Every specialized transportation service that is operated by a county under
 20 this section shall maintain all records and furnish all information determined
 21 necessary by the department to determine compliance with this section or s. 346.923.
 22 Every specialized transportation service that contracts with a county for services
 23 under this section shall maintain all records and furnish all information determined
 24 necessary by the county or the department for purposes of program or contract~~

*insert
8-10*

SENATE BILL 3

1 ~~monitoring, auditing, or evaluation, or to determine compliance with this section or~~
2 ~~s. 346.923.~~

3 ~~(f) Any person who violates par. (b) or (c) shall be fined not more than \$1,000~~
4 ~~for the first offense and shall be fined not less than \$1,000 nor more than \$5,000 for~~
5 ~~each subsequent offense. Each day of violation after the first conviction constitutes~~
6 ~~a separate offense.~~

7 ~~(g) Any person who violates par. (d) or (dm) may be required to forfeit not more~~
8 ~~than \$200. Each failure to obtain a criminal history search under par. (d) or an~~
9 ~~operating record under par. (dm) constitutes a separate offense.~~

10 **SECTION 6.** 85.21 (5) of the statutes is created to read:

11 **85.21 (5) OPERATOR BACKGROUND INFORMATION FORMS.** (a) Every person who
12 applies to be employed as an operator by a specialized transportation service that is
13 operated by a county or that contracts with a county for services under this section
14 shall complete a background information form and provide it to the specialized
15 transportation service prior to being employed by the specialized transportation
16 service.

17 (b) No later than every 4 years, any person who is employed as an operator by
18 a specialized transportation service that is operated by a county or that contracts
19 with a county for services under this section shall complete an updated background
20 information form and provide it to the specialized transportation service.

21 (c) No person may provide false or incomplete information with respect to any
22 material fact on a background information form required to be completed under this
23 subsection. Any person who violates this paragraph may be required to forfeit not
24 more than \$1,000.

25 **SECTION 7.** 165.83 (2) (ng) of the statutes is created to read:

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1 ~~165.83 (2) (ng) Perform the duties required of the department by ss. 85.21 (3m)~~
2 ~~(d) and 346.923 (4) relating to human service vehicle operators.~~

3 **SECTION 8.** 341.10 (15) of the statutes is created to read:

4 341.10 (15) The vehicle is required to be inspected under s. 110.05 and any of
5 the following applies:

6 (a) The vehicle has not been inspected.

7 (b) The most recent inspection of the vehicle indicates noncompliance with ss.
8 110.05 and 110.075 or ch. 347 or rules promulgated under those sections or ch. 347.

9 **SECTION 9.** 346.923 of the statutes is created to read:

10 **346.923 Human service vehicles; minimum operator qualifications. (1)**

11 Notwithstanding ss. 111.321, 111.322, and 111.335, no person may operate a human
12 service vehicle transporting any passenger unless all of the following apply:

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

15 ~~(b) The operator has not been involved as the operator of a motor vehicle in more~~
16 ~~than 2 traffic accidents that resulted in convictions for violations of laws related to~~
17 ~~motor vehicle use or operation during the 12 months immediately preceding the~~
18 ~~operation of the human service vehicle.~~

19 ~~(c) The operator has not been convicted of a violation of this section, other than~~
20 ~~a violation of par. (g), during the 60 months immediately preceding the operation of~~
21 ~~the human service vehicle.~~

22 ~~(d) The operator has not been convicted of a violation of s. 346.63 (1), (2m), or~~
23 ~~(5) or a local ordinance in conformity therewith, or a violation of s. 346.63 (2) or (6),~~
24 ~~940.09 (1), or 940.25, or a violation of federal law or the law of a federally recognized~~
25 ~~American Indian tribe or band in this state or the law of another jurisdiction that~~

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1 would be a violation of s. 346.63 (1), (2), (2m), (5), or (6), 940.09 (1), or 940.25 if the
 2 person had committed the offense in this state and been convicted of the offense
 3 under the laws of this state, or of an offense specified in s. 343.12 (2) (d) other than
 4 an offense under s. 346.63 (7) or a local ordinance in conformity with s. 346.63 (7) or
 5 a law of a federally recognized American Indian tribe or band in this state in
 6 conformity with s. 346.63 (7), or of 2 or more offenses under s. 346.63 (7) or a local
 7 ordinance in conformity with s. 346.63 (7) or a law of a federally recognized American
 8 Indian tribe or band in this state in conformity with s. 346.63 (7), during the 24
 9 months immediately preceding the operation of the human service vehicle.

10 (e) Notwithstanding par. (d), the operator has not been convicted of a violation
 11 of s. 85.21 (5) (c), 940.01, 940.02, 940.03, 940.05, 940.12, 940.19 (2), (3), (4), (5), or (6),
 12 940.22 (2) or (3), 940.225 (1), (2), or (3), 940.285 (2), 940.29, 940.295, 948.02 (1) or (2),
 13 948.025, 948.03 (2), 948.05, 948.055, 948.06, 948.07, 948.08, 948.11 (2) (a) or (am),
 14 948.12, 948.13, 948.21 (1), or 948.30 or a violation of federal law or the law of a
 15 federally recognized American Indian tribe or band in this state or the law of another
 16 jurisdiction that would be a violation of s. 940.01, 940.02, 940.03, 940.05, 940.12,
 17 940.19 (2), (3), (4), (5), or (6), 940.22 (2) or (3), 940.225 (1), (2), or (3), 940.285 (2),
 18 940.29, 940.295, 948.02 (1) or (2), 948.025, 948.03 (2), 948.05, 948.055, 948.06,
 19 948.07, 948.08, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1), or 948.30 if the
 20 person had committed the offense in this state and been convicted of the offense
 21 under the laws of this state.

22 (f) ~~Notwithstanding par. (d) and subject to par. (e),~~ the operator meets the
 23 requirements specified under s. 343.12 (2) (e) and any rule established by the (d) and
 24 department under s. 343.12 (2) (e).

The operator holds a valid school bus endorsement under s. 343.12 or

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1 (g) The operator conspicuously displays any identification card issued by a
2 specialized transportation service under s. 85.21 (3m) (b) 8.

3 (h) The operator has, within the 2 previous years, been fully trained in the
4 proper use of all passenger restraint systems available in the human service vehicle;
5 the operator ascertains that all passengers required by statute or rule to be properly
6 restrained are so restrained; and the operator responds to requests from passengers
7 with respect to being properly restrained.

8 (2) A person employed as an operator by a specialized transportation service
9 that is operated by a county or that contracts with a county for services under s. 85.21
10 shall report to the specialized transportation service in writing within 10 days of the
11 occurrence of any of the following:

12 (a) Any accident in which the person was involved as the operator of a motor
13 vehicle, regardless of whether the person was issued a uniform traffic citation or
14 charged with any offense or whether the person was operating a human service
15 vehicle.

16 (b) Any suspension or revocation of the person's operating privilege by this
17 state or another jurisdiction.

18 (3) The department shall do all of the following:

19 (a) Prescribe a background information form that directs a person employed or
20 seeking employment as an operator of a human service vehicle to provide
21 information for the purposes of determining whether the person may operate a
22 human service vehicle under sub. (1) or may be employed as an operator by a
23 specialized transportation service under s. 85.21 (3m). The department shall provide
24 counties and specialized transportation services with copies of the form upon
25 request.

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1 (b) Prepare and make available to counties and specialized transportation
2 services informational materials, in printed or electronic form, relating to
3 compliance with this section and s. 85.21 (3m) and (5), and establish a method of
4 communication, which may include a statewide, toll-free telephone hotline, to
5 respond to questions regarding compliance with this section and s. 85.21 (3m) and
6 (5).

7 (4) The department of justice shall prepare and make available to counties and
8 specialized transportation services informational materials, in printed or electronic
9 form, relating to criminal background information specified under this section and
10 s. 85.21 (3m) and (5), and shall establish a method of communication, which may
11 include a statewide, toll-free telephone hotline, to respond to questions regarding
12 criminal background information specified under this section and s. 85.21 (3m) and
13 (5).

14 **SECTION 10.** 346.95 (4) of the statutes is amended to read:

15 346.95 (4) Any person violating s. 346.923 (1) or (2), 346.925, or 346.94 (8) or
16 (8m) may be required to forfeit not to exceed more than \$20 for the first offense or
17 not to exceed and not more than \$50 for each subsequent offense.

18 **SECTION 11. Nonstatutory provisions.**

19 (1) In this SECTION:

20 (a) "Background information form" means the background information form
21 prescribed by the department of transportation under section 346.923 (3) (a) of the
22 statutes, as created by this act.

23 (b) "Specialized transportation service" means a specialized transportation
24 service, as defined in section 85.21 (2) (g) of the statutes, that is operated by a county
25 or that contracts with a county for services under section 85.21 of the statutes.

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1 (2) Notwithstanding section 85.21 (5) of the statutes, as created by this act,
2 every person who, on the effective date of this subsection, is employed as an operator
3 by a specialized transportation service shall, not later than the first day of the 13th
4 month beginning after the effective date of this subsection, complete a background
5 information form and provide it to the specialized transportation service. A person
6 who provides false or incomplete information with respect to any material fact on a
7 background information form required to be completed under this subsection is
8 subject to the penalty provided in section 85.21 (5) (c) of the statutes, as created by
9 this act. A violation of this subsection shall be considered a violation of section 85.21
10 (5) (c) of the statutes for purposes of sections 85.21 (3m) (b) 3. and 346.923 (1) (e) of
11 the statutes, as created by this act.

12 (3) Notwithstanding sections 111.321, 111.322, and 111.335 of the statutes,
13 within 60 days after receipt of a completed background information form from a
14 person specified under subsection (2), a specialized transportation service shall
15 obtain from the records maintained by the department of justice, and the department
16 of justice shall provide, a criminal history search of the person. Notwithstanding
17 sections 111.321, 111.322, and 111.335 of the statutes, if the person who is the subject
18 of the criminal history search is not a resident of this state, or if at any time within
19 the 3 years preceding the date of the search that person has not been a resident of
20 this state, the specialized transportation service shall make a good faith effort to
21 obtain promptly from any state in which the person is a resident, or was a resident
22 within the 3 years preceding the date of the search, information that is equivalent
23 to a criminal history. Any person who violates this subsection is subject to the
24 penalty provided in section 85.21 (3m) (g) of the statutes, as created by this act.

SENATE BILL 3

1 (4) Notwithstanding sections 111.321, 111.322, and 111.335 of the statutes, no
2 specialized transportation service may employ as an operator any person who has
3 not submitted to the specialized transportation service a completed background
4 information form required under subsection (2). A specialized transportation service
5 that violates this subsection is subject to the penalty provided in section 85.21 (3m)
6 (f) of the statutes, as created by this act. A violation of this subsection shall be
7 considered a violation of section 85.21 (3m) (b) 11. of the statutes, as created by this
8 act, for purposes of section 85.21 (3) (c) of the statutes, as affected by this act, and
9 section 85.21 (3m) (a) of the statutes, as created by this act.

10 (5) Notwithstanding section 85.21 (5) of the statutes, as created by this act, for
11 every person employed as an operator by a specialized transportation service on the
12 effective date of this subsection, the specialized transportation service shall, not
13 later than the first day of the 13th month beginning after the effective date of this
14 subsection, obtain the person's operating record from the department of
15 transportation under section 343.24 of the statutes or, if the operating record has
16 already been obtained by another entity, from that entity if there are reasonable
17 grounds to believe that the operating record obtained from that entity is accurate and
18 was furnished by the department to that entity not more than 2 months previously.
19 A specialized transportation service that violates this subsection is subject to the
20 penalty provided in section 85.21 (3m) (g) of the statutes, as created by this act. A
21 violation of this subsection shall be considered a violation of section 85.21 (3m) (b)
22 7. of the statutes, as created by this act, for purposes of section 85.21 (3) (c) of the
23 statutes, as affected by this act, and section 85.21 (3m) (a) of the statutes, as created
24 by this act.

SECTION 12. Initial applicability.

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1 (1) The treatment of section 85.21 (3) (c) and (3m) (a) of the statutes first applies
2 to contracts that are entered into on the effective date of this subsection.

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

6 (3) The treatment of sections 85.21 (3m) (b) 1. to 7., 10., and 11., (c), (d), and (dm)
7 and (5) and 346.923 (1) (a) to (f) and (h), (2), and (3) (a) of the statutes first applies
8 to persons specified under SECTION 11 (2) of this act on the first day of the 13th month
9 beginning after the effective date of this subsection.

10 **SECTION 13. Effective date.**

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

13 (END)

1 ~~"12. Employ as an operator any person who the specialized transportation~~
2 ~~service knows or should have known has been convicted of a violation of sub. (5) (c).~~

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

8 ~~Page 9, line 13: after "section" insert "except"~~, ~~except~~ a person holding a valid school
9 bus endorsement under s. 343.12 that was issued or renewed within 4 years prior to
10 employment. *prior to employing any person, other than*

11 ~~40. Page 9, line 19: after "section" insert "except"~~, ~~except~~ a person holding a valid
12 school bus endorsement under s. 343.12 that was issued or renewed within the
13 previous 4 years. *prior to employing any person, other than*

14 **11.** Page 10, line 15: delete lines 15 to 25.

15 **12.** Page 11, line 1: delete lines 1 to 21.

16 **13.** Page 11, line 22: delete "Notwithstanding par. (d) and subject to par. (e)," ~~and~~
17 and substitute "The operator holds a valid school bus endorsement under s. 343.12
18 or".

19 **14.** Page 11, line 23: after "requirements" insert "for a school bus
20 endorsement".

21 **15.** Page 11, line 23: on lines 23 and 24, delete "343.12 (2) (e)" and substitute
22 "343.12 (2) (d) and (e)".

23 **16.** Page 12, line 7: after that line insert:

7-14

insert 7-22

insert 8-10

**ASSEMBLY AMENDMENT 1,
TO 2003 SENATE BILL 3**

February 19, 2004 - Offered by Representative SHERMAN.

✓
insert
3-6

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~~At the locations indicated, amend the bill as follows:~~

~~1. Page 3, line 6: after that line insert:~~

~~SECTION 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).~~

~~2. Page 6, line 9: after "operator" insert "of a human service vehicle".~~

~~3. Page 6, line 13: on lines 13, 21, and 25, after "operator" insert "of a human service vehicle".~~

~~4. Page 7, line 9: on lines 9 and 12, after "operator" insert "of a human service vehicle".~~

~~5. Page 7, line 14: after that line, on page 2, lines 1 and 5, of the material inserted by senate amendment 1, after "operator" insert "of a human service vehicle".~~

~~6. Page 7, line 19: on lines 19 and 22, after "operator" insert "of a human service vehicle".~~