

2005 Assembly Bill 169

Date of enactment: **May 18, 2005**
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2005 WISCONSIN ACT 11

AN ACT *to amend* 194.32 and 348.06 (1); and *to create* 348.01 (2) (at) and 348.06 (2m) of the statutes; **relating to:** operation of double-decked buses on certain highways.

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

SECTION 1. 194.32 of the statutes is amended to read:

194.32 Buses, restrictions. No common motor carrier of passengers shall operate any passenger-carrying bus over any public highway of this state with any trailer or semitrailer attached except for an articulated bus as defined in s. 340.01 (2m). Except for an articulated bus as defined in s. 340.01 (2m) which may be 65 feet in length, no interurban motor bus which exceeds 40 feet in length or 8 feet 6 inches in width or is of a double-decked open-roof design shall be operated upon the public highways under the authority of this chapter. As used in this section an interurban motor bus is deemed to be of a "double-decked open-roof design" when passengers are carried therein on an upper level throughout the length of the bus over passengers on a lower level throughout the length of the bus and the bus roof does not extend throughout the length of the bus or is not permanently enclosed with rigid construction.

SECTION 2. 348.01 (2) (at) of the statutes is created to read:

348.01 (2) (at) "Double-decked bus" means a motor bus designed to carry passengers on an upper level throughout the length of the bus over passengers on a lower level throughout the length of the bus and the roof

of which is permanently enclosed with rigid construction and extends throughout the length of the bus.

SECTION 3. 348.06 (1) of the statutes is amended to read:

348.06 (1) Except as provided in ~~sub.~~ subs. (2) and (2m), no person, without a permit therefor, may operate on a highway any motor vehicle, mobile home, trailer, or semitrailer having an overall height in excess of 13 1/2 feet.

SECTION 4. 348.06 (2m) of the statutes is created to read:

348.06 (2m) (a) Double-decked buses having an overall height not exceeding 14 feet 5 inches may be operated without a permit for excessive height upon a highway, other than a state trunk highway, that has a speed limit of 45 miles per hour or less if the vehicle owner or operator has, prior to the vehicle's operation, obtained written approval for such operation and for the vehicle's route from the local authority with jurisdiction over the highway on any highway on which the vehicle will be operated. A local authority may not approve the operation of a vehicle under this subsection on a highway under its jurisdiction unless all of the following apply:

1. The local authority has received a copy of the vehicle's proposed route, inspected the route, and verified that there is at least 6 inches of height clearance between the vehicle and any overhead structure or

* Section 991.11, WISCONSIN STATUTES 2003-04 : 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].

obstruction, including any utility line, on all parts of the route.

2. The vehicle owner has agreed, in writing, to assume liability for any personal injury or property damage resulting from the vehicle's striking of any overhead structure or obstruction, including any utility line, regardless of whether the personal injury or property damage occurs on an approved route.

3. The local authority has inspected the vehicle and verified that the sign required under par. (b) is displayed.

(b) A vehicle specified in par. (a) shall conspicuously display, in the operator's area of the vehicle, a sign informing the operator that operation of the vehicle on any highway that is not part of a route approved under par. (a) is unlawful.

(c) A local authority may, for any reason, deny approval for the operation of a vehicle under this subsection, or deny approval of any route regardless of whether

the requirements under par. (a) are satisfied, on any highway under the local authority's jurisdiction.

(d) A local authority that has approved operation of a vehicle under this subsection shall, with respect to any route approved for every such vehicle, inspect the approved route at least once each year. If the inspection reveals that the clearance requirements specified in par. (a) 1. are no longer satisfied, the local authority shall revoke the route approval, but may approve an alternative route that complies with the clearance requirements specified in par. (a) 1.

(e) A local authority may delegate to any department, division, official, or employee of the local authority the responsibility for issuing approvals, conducting inspections, or carrying out any other duty specified under this subsection.

SECTION 5. Initial applicability.

(1) This act first applies to motor vehicles operated on the effective date of this subsection.

