

**SENATE SUBSTITUTE AMENDMENT 1,  
TO 2005 ASSEMBLY BILL 169**

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

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*Analysis by the Legislative Reference Bureau*

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

4           **SECTION 1.** 194.32 of the statutes is amended to read:  
5           **194.32 Buses, restrictions.** No common motor carrier of passengers shall  
6           operate any passenger-carrying bus over any public highway of this state with any  
7           trailer or semitrailer attached except for an articulated bus as defined in s. 340.01  
8           (2m). Except for an articulated bus as defined in s. 340.01 (2m) which may be 65 feet  
9           in length, no interurban motor bus which exceeds 40 feet in length or 8 feet 6 inches

1 in width or is of a double-decked open-roof design shall be operated upon the public  
2 highways under the authority of this chapter. As used in this section an interurban  
3 motor bus is deemed to be of a “double-decked open-roof design” when passengers  
4 are carried therein on an upper level throughout the length of the bus over  
5 passengers on a lower level throughout the length of the bus and the bus roof does  
6 not extend throughout the length of the bus or is not permanently enclosed with rigid  
7 construction.

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

9 348.01 (2) (at) “Double-decked bus” means a motor bus designed to carry  
10 passengers on an upper level throughout the length of the bus over passengers on a  
11 lower level throughout the length of the bus and the roof of which is permanently  
12 enclosed with rigid construction and extends throughout the length of the bus.

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

14 348.06 (1) Except as provided in ~~sub. (2)~~ subs. (2) and (2m), no person, without a  
15 permit therefor, may operate on a highway any motor vehicle, mobile home, trailer,  
16 or semitrailer having an overall height in excess of 13 1/2 feet.

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

18 348.06 (2m) (a) Double-decked buses having an overall height not exceeding  
19 14 feet 5 inches may be operated without a permit for excessive height upon a  
20 highway, other than a state trunk highway, that has a speed limit of 45 miles per hour  
21 or less if the vehicle owner or operator has, prior to the vehicle’s operation, obtained  
22 written approval for such operation and for the vehicle’s route from the local  
23 authority with jurisdiction over the highway on any highway on which the vehicle  
24 will be operated. A local authority may not approve the operation of a vehicle under  
25 this subsection on a highway under its jurisdiction unless all of the following apply:

1           1. The local authority has received a copy of the vehicle's proposed route,  
2 inspected the route, and verified that there is at least 6 inches of height clearance  
3 between the vehicle and any overhead structure or obstruction, including any utility  
4 line, on all parts of the route.

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

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

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

14           (c) A local authority may, for any reason, deny approval for the operation of a  
15 vehicle under this subsection, or deny approval of any route regardless of whether  
16 the requirements under par. (a) are satisfied, on any highway under the local  
17 authority's jurisdiction.

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

