

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

April 5, 2005 – Offered by Representatives VAN ROY, PETROWSKI, BIES, SHILLING and
AINSWORTH.

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.

Analysis by the Legislative Reference Bureau

Current law prohibits the operation on public highways of interurban motor buses that are double-decked. “Double-decked” means that passengers are carried on an upper level throughout the length of the bus over passengers on a lower level throughout the length of the bus.

This substitute amendment limits the complete prohibition on operation of double-decked motor buses to those of an open-roof design.

Current law also imposes size, weight, and load limits on vehicles that travel on the highways. DOT and local authorities may issue certain permits authorizing the permittee to operate a vehicle that exceeds these limits on vehicle size, weight, or load. No person, without a permit, may operate on a highway any motor vehicle having an overall height in excess of 13 feet 6 inches.

This substitute amendment creates an exception to the general vehicle height limitation if certain conditions are satisfied. Under the substitute amendment, double-decked buses with a closed-roof design having an overall height not exceeding 14 feet 5 inches may be operated without a permit for excessive height upon a highway that has a speed limit of 45 miles per hour or less, except a state

trunk highway but including a connecting highway, if the vehicle operator has, prior to operating the vehicle, obtained approval of the vehicle's route from the officer in charge of maintenance of the highway on any highway of the vehicle's proposed route. This officer may not approve any route unless: the officer has ensured that there is at least 6 inches of height clearance between the vehicle and any overhead structure or obstruction, including any utility line, on all parts of the route on highways under the officer's jurisdiction; and the vehicle operator has agreed 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.

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

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

2 **194.32 Buses, restrictions.** No common motor carrier of passengers shall
3 operate any passenger-carrying bus over any public highway of this state with any
4 trailer or semitrailer attached except for an articulated bus as defined in s. 340.01
5 (2m). Except for an articulated bus as defined in s. 340.01 (2m) which may be 65 feet
6 in length, no interurban motor bus which exceeds 40 feet in length or 8 feet 6 inches
7 in width or is of a double-decked open-roof design shall be operated upon the public
8 highways under the authority of this chapter. As used in this section an interurban
9 motor bus is deemed to be of a "double-decked open-roof design" when passengers
10 are carried therein on an upper level throughout the length of the bus over
11 passengers on a lower level throughout the length of the bus and the bus roof does
12 not extend throughout the length of the bus.

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

14 **348.01 (2) (at)** "Double-decked bus" means a motor bus designed to carry
15 passengers on an upper level throughout the length of the bus over passengers on a

1 lower level throughout the length of the bus and the roof of which extends throughout
2 the length of the bus.

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

4 348.06 (1) Except as provided in ~~sub.~~ subs. (2) and (2m), no person, without a
5 permit therefor, may operate on a highway any motor vehicle, mobile home, trailer,
6 or semitrailer having an overall height in excess of 13 1/2 feet.

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

8 348.06 (2m) Double-decked buses having an overall height not exceeding 14
9 feet 5 inches may be operated without a permit for excessive height upon a highway,
10 other than a state trunk highway, that has a speed limit of 45 miles per hour or less
11 if the vehicle operator has, prior to operating the vehicle, obtained approval of the
12 vehicle's route from the officer in charge of maintenance of the highway on any
13 highway of the vehicle's proposed route. This officer may not approve any route
14 unless all of the following apply:

15 (a) The officer has ensured that there is at least 6 inches of height clearance
16 between the vehicle and any overhead structure or obstruction, including any utility
17 line, on all parts of the route on highways under the officer's jurisdiction.

18 (b) The vehicle operator has agreed to assume liability for any personal injury
19 or property damage resulting from the vehicle's striking of any overhead structure
20 or obstruction, including any utility line, regardless of whether the personal injury
21 or property damage occurs on an approved route.

22 **SECTION 5. Initial applicability.**

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

25

(END)