

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

May 4, 2005 – Offered by COMMITTEE ON NATURAL RESOURCES AND TRANSPORTATION.

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 a soft-top or 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 hard-top, 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 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 the vehicle unless: 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 obstruction, including any utility line, on all parts of the route; 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; and the local authority has inspected the vehicle and verified that a sign is conspicuously displayed, in the operator's area of the vehicle, informing the operator that operation of the vehicle on any highway that is not part of an approved route is unlawful. A local authority may, for any reason, deny approval for the operation of a vehicle or deny approval of any proposed route regardless of whether there is sufficient clearance on the route. A local authority that has approved operation of a vehicle must inspect any approved route at least once each year. If the inspection reveals that clearance requirements are no longer satisfied, the local authority must revoke the route approval, but may approve an alternative route that complies with clearance requirements.

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

1 not extend throughout the length of the bus or is not permanently enclosed with rigid
2 construction.

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

4 348.01 **(2)** (at) “Double–decked bus” means a motor bus designed to carry
5 passengers on an upper level throughout the length of the bus over passengers on a
6 lower level throughout the length of the bus and the roof of which is permanently
7 enclosed with rigid construction and extends throughout the length of the bus.

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

9 348.06 **(1)** Except as provided in ~~sub.~~ subs. (2) and (2m), no person, without a
10 permit therefor, may operate on a highway any motor vehicle, mobile home, trailer,
11 or semitrailer having an overall height in excess of 13 1/2 feet.

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

13 348.06 **(2m)** (a) Double–decked buses having an overall height not exceeding
14 14 feet 5 inches may be operated without a permit for excessive height upon a
15 highway, other than a state trunk highway, that has a speed limit of 45 miles per hour
16 or less if the vehicle owner or operator has, prior to the vehicle’s operation, obtained
17 written approval for such operation and for the vehicle’s route from the local
18 authority with jurisdiction over the highway on any highway on which the vehicle
19 will be operated. A local authority may not approve the operation of a vehicle under
20 this subsection on a highway under its jurisdiction unless all of the following apply:

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

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

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

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

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

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

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

23 **SECTION 5. Initial applicability.**

