

**2005 DRAFTING REQUEST**

**Senate Substitute Amendment (SSA-AB169)**

Received: 04/28/2005

Received By: agary

Wanted: 05/05/2005

Identical to LRB:

For: Neal Kedzie (608) 266-2635

By/Representing: Matt Phillips (aide)

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**  
**Transportation - traffic laws**

Extra Copies: **PJH**

Submit via email: YES

Requester's email: **Sen.Kedzie@legis.state.wi.us**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

operating double-decked buses on the highways

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**Instructions:**

See Attached

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**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 04/28/2005	lkunkel 04/29/2005		_____			
/1	agary 05/03/2005	lkunkel 05/03/2005	chaugen 04/29/2005	_____	lemery 04/29/2005	lemery 04/29/2005	
/2			chaugen 05/03/2005	_____	mbarman 05/03/2005	mbarman 05/03/2005	

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<END>

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/2/mk 5/3

Ch 5-3

Ch 5-3

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/?	agary	/1 lmk 4/29	ch 4-29	ch 4-29 SP			
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FE Sent For:

<END>

**Gary, Aaron**

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**From:** Phillips, Matt  
**Sent:** Monday, April 25, 2005 11:55 AM  
**To:** Gary, Aaron

## **Drafting request for SSA to AB 169**

(references made to ASA 1 to AB 169)

1. Page 3, line 18 - Change "vehicle operator" to "vehicle owner". Also specify that the agreement to assume liability must be in writing.
2. Sections 1 and 2 - Does the current language prohibiting "open-roof design" buses include buses that have a canvass roof? Can the language be amended to specify that the roof design must be a hard top.
3. Add language to specify that the bus driver must possess a CDL if that is not already a requirement.
4. Add language that specifies that a sign must be posted in the driver area of the bus that indicates it is against the law for a driver to drive on any roadway that is not part of the approved route.
5. Section 4 - Modify to specify that Double-deck buses may only operate after obtaining written approval from the local government/governments that are responsible for the roads that the buses are traveling on. Local governments would have the option of whether or not to allow double-deck buses. Indicate that the local government may only approve the operation of the double-deck buses if they have:
  - Received a copy of the vehicle's proposed route
  - An officer of the municipality has inspected the route and at least 6 inches of clearance exist between the vehicle and any overhead structure, including utility lines and trees - and verifies sign under #4
  - Vehicle owner has agreed in writing to assume liability.
6. Require an officer of the municipality to inspect each route annually. Local government must rescind approval of the route if it no longer complies with clearance requirements.

4/25/05

Matt - Kedzie

AB - 169 - sub.

- wants local govt to have option not to do it -
- can decide which option to inspect route
- ~~frises : want to include frises to overhead structure~~
- has concern about requiring ordinance - doesn't want to make it this formal
  - leave it as : the local govt. must approve this

4/28/05

file for Matt

6-2635

• want it by next Thurs.

• item 6: not received - but  
need new route

Needed by 5/5

5/10/11  
LRBs 00001  
ARG:lmkjf

in 4/28

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

D-Note

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

Rosen

- 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~~ <sup>strict</sup> 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

a soft-top or

hard-top, ^



<sup>the vehicle's operation</sup>  
 trunk highway but including a connecting highway, if the vehicle operator has, prior to ~~operating the vehicle~~ <sup>owner or</sup> 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.~~

insert  
ANAL - A

owner  
) in writing

insert  
ANAL - B

**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. <sup>or is not permanently enclosed with rigid construction</sup>

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

*on which the vehicle will be operated*

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

*is permanently enclosed with rigid construction and*

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

*for such operation and for*

11 if the vehicle <sup>owner or</sup> operator has, prior to <sup>the vehicle's operation</sup> operating the vehicle, obtained <sup>written</sup> approval of the  
12 vehicle's route from the <sup>local authority with jurisdiction over</sup> ~~officer in charge of maintenance of~~ the highway on any  
13 highway <sup>A local authority</sup> of the vehicle's proposed route. ~~This officer may not approve any route~~

14 unless all of the following apply:

*The operation of a vehicle under this subsection on a highway under its jurisdiction*

15 1. ~~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 2. ~~The vehicle operator~~ <sup>owner</sup> has agreed <sup>in writing</sup> 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)

*insert 3-15*

*insert 3-21*

*D-Note*

**INSERT ANAL-A:**

(no P) 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

**INSERT ANAL-B:**

(no P) ; 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 passengers 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.

**INSERT 3-15:**

(no P) local authority has received a copy of the vehicle's proposed route, inspected the route, and verified

**INSERT 3-21:**

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 passengers 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.

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBs0101/1dn

ARG:.....

Imk

(date)

ATTN: Matt Phillips ✓

I believe these double-decked buses would be commercial motor vehicles under s. 340.01 (8)✓, so the operator would be required to possess a commercial driver license under s. 343.05 (2).✓  
✓

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: aaron.gary@legis.state.wi.us

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBs0101/1dn  
ARG:lmk:ch

April 29, 2005

ATTN: Matt Phillips

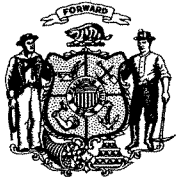
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Legislative Attorney  
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E-mail: [aaron.gary@legis.state.wi.us](mailto:aaron.gary@legis.state.wi.us)

5/3

He w/ Matt -

- change p. 4, line 8 -  
passengers to the operator
- need it today for hearing



State of Wisconsin  
2005 - 2006 LEGISLATURE

TODAY

LRBs0101/2  
ARG:lmk:ch  
KEEP  
RMR

in 5/3

SENATE SUBSTITUTE AMENDMENT,  
TO 2005 ASSEMBLY BILL 169

ReGen

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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 ~~passengers~~ 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.

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- 5 (2m). Except for an articulated bus as defined in s. 340.01 (2m) which may be 65 feet
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- 7 in width or is of a double-decked open-roof design shall be operated upon the public
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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 <sup>the operator</sup> ~~passengers~~ 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.**

