

2005 DRAFTING REQUEST

Bill

Received: **03/28/2005**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Pettis (608) 267-2365**

By/Representing: **Kimber (aide)**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Adtl. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **PJH**

Submit via email: **YES**

Requester's email: **Rep.Pettis@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Allowing school buses to pull trailers

Instructions:

Wants bill like 2003 AB-37 but to allow in-state school buses to pull trailers

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>
/?							
/1	agary 03/30/2005	lkunkel 04/18/2005	rschluet 04/18/2005	_____	mbarman 04/18/2005		
/2	agary 04/22/2005	lkunkel 04/22/2005	chaugen 04/26/2005	_____	sbasford 04/26/2005	Inorthro 04/26/2005	

FE Sent For:

<END>

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/1	agary 03/30/2005	lkunkel 04/18/2005	rschluet 04/18/2005	<i>4/25</i> <i>peeb</i>	mbarman 04/18/2005		

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/?	agary	1 mk 4/16					
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FE Sent For:

<END>

4/25

in 3/30

lmk

2005 BILL

d-note

GenCat

1 AN ACT ...; relating to: allowing school buses to tow trailers. ✓

Analysis by the Legislative Reference Bureau

Under current law, no person may operate within this state a school bus with a trailer or semitrailer attached, except that a person may enter the state and operate a school bus with a trailer or semitrailer attached if the school bus is registered in another state and that state's law permits the operation of the school bus with a trailer or semitrailer attached. ✓

This bill allows a person to operate any school bus with a trailer or semitrailer attached. ✓

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

Insert 1-2

2 SECTION ~~1.~~ 346.94 (15) of the statutes is amended to read:

3 346.94 (15) TOWING BY BUSES OR HUMAN SERVICE VEHICLES. No person may

4 operate a school bus or a human service vehicle over any public highway of this state

5 with any trailer or semitrailer attached. This subsection does not apply to a school

6 bus that is not required to be registered under ch. 341 and that is registered in

BILL

SECTION 1

1 another jurisdiction in which the law of that jurisdiction permits the school bus to
2 be operated with a trailer or semitrailer attached. ✓

History: 1973 c. 182, 314; 1975 c. 320; 1977 c. 68; 1983 a. 56, 175, 243, 538; 1989 a. 335; 1991 a. 83, 87; 1993 a. 260; 1995 a. 131, 138, 216, 373; 1997 a. 27; 2001 a. 90; 2003 a. 26, 192.

3 **SECTION 2. Initial applicability.**

4 (1) This act first applies to violations committed on the effective date of this
5 subsection, but does not preclude the counting of other violations as prior violations
6 for sentencing a person.

7 (END)

dt

**2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2573/lins
ARG:.....

INSERT 1-2:

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) or a school bus as defined in s. 340.01 (56). 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 double-decked shall be operated upon the public highways under the authority of this chapter. As used in this section an interurban motor bus is deemed "double-decked" 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.

History: 1981 c. 159; 1993 a. 16.

end of insert

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2573/1dn

ARG:.....

Imk

(date)

ATTN: Kimber

* In the attached bill, I have included the treatment of s. 194.32 because, under s. 194.01 (1), it appears that a school bus is generally considered to be a "common motor carrier." (The exception for school buses under s. 194.01(1) is limited to those transporting persons who are not pupils.) You may wish to verify with DOT whether school buses transporting pupils are considered to be common motor carriers and therefore subject to the provisions of s. 194.32 or, if you would prefer, I would be happy to contact DOT to inquire about this issue.

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

LRB-2573/1dn
ARG:lmk:rs

April 18, 2005

ATTN: Kimber

In the attached bill, I have included the treatment of s. 194.32 because, under s. 194.01 (1), it appears that a school bus is generally considered to be a "common motor carrier." (The exception for school buses under s. 194.01 (1) is limited to those transporting persons who are not pupils.) You may wish to verify with DOT whether school buses transporting pupils are considered to be common motor carriers and therefore subject to the provisions of s. 194.32 or, if you would prefer, I would be happy to contact DOT to inquire about this issue.

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

Gary, Aaron

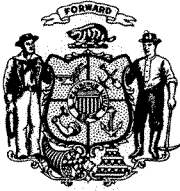
From: Colvin, Alan
Sent: Friday, April 22, 2005 2:16 PM
To: Gary, Aaron
Subject: RE: LRB-2573 (school buses pulling trailers) follow up

Great, make the changes

From: Gary, Aaron
Sent: Friday, April 22, 2005 2:15 PM
To: Colvin, Alan
Cc: Liedl, Kimberly
Subject: LRB-2573 (school buses pulling trailers) follow up

Al,
As a follow up to your phone call (following up on my drafter's note), after much discussion and some internal difference of opinion at DOT, DOT's final opinion was that a school bus functioning as a school bus (carrying pupils) is not a common motor carrier. Accordingly, I should remove bill section 1 from LRB-2573/1. Is it OK if I go ahead and redraft the bill to do so? And are there any other changes you would like made? Thanks. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us



State of Wisconsin
2005 - 2006 LEGISLATURE

Wanted
by 4/22

LRB-2573/1 2
ARG:lmk/rs
Keep
RMR

in 4/22

2005 BILL

D-Note

Regem

1 AN ACT to amend 194.32 and 346.94 (15) of the statutes; relating to: allowing
2 school buses to tow trailers. ✓

Analysis by the Legislative Reference Bureau

Under current law, no person may operate within this state a school bus with a trailer or semitrailer attached, except that a person may enter the state and operate a school bus with a trailer or semitrailer attached if the school bus is registered in another state and that state's law permits the operation of the school bus with a trailer or semitrailer attached. ✓

This bill allows a person to operate any school bus with a trailer or semitrailer attached.

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

3 SECTION 1. 194.32 of the statutes is amended to read:
4 194.32 Buses, restrictions. No common motor carrier of passengers shall
5 operate any passenger-carrying bus over any public highway of this state with any
6 trailer or semitrailer attached except for an articulated bus as defined in s. 340.01
7 (2m) or a school bus as defined in s. 340.01 (56). Except for an articulated bus as

BILL**SECTION 1**

1 defined in s. 340.01 (2m) which may be 65 feet in length, no interurban motor bus
2 which exceeds 40 feet in length or 8 feet 6 inches in width or is double-decked shall
3 be operated upon the public highways under the authority of this chapter. As used
4 in this section an interurban motor bus is deemed "double-decked" when passengers
5 are carried therein on an upper level throughout the length of the bus over
6 passengers on a lower level throughout the length of the bus.

7 **SECTION 2.** 346.94 (15) of the statutes is amended to read:

8 346.94 (15) TOWING BY BUSES OR HUMAN SERVICE VEHICLES. No person may
9 operate a school bus or a human service vehicle over any public highway of this state
10 with any trailer or semitrailer attached. This subsection does not apply to a school
11 bus that is not required to be registered under ch. 341 and that is registered in
12 another jurisdiction in which the law of that jurisdiction permits the school bus to
13 be operated with a trailer or semitrailer attached.

14 **SECTION 3. Initial applicability.** ✓

15 (1) This act first applies to violations committed on the effective date of this
16 subsection, but does not preclude the counting of other violations as prior violations
17 for sentencing a person.

18 (END)

D-Note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2573/2dn

ARG:.....

lmk

(date)

✓
ATTN: Alan Colvin

The attached redraft removes bill section 1 of the "1" draft based upon the opinion of DOT that a school bus functioning as a school bus (carrying pupils) is not a common motor carrier. Accordingly, treatment of s. 194.32 is not necessary. ✓

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**

LRB-2573/2dn
ARG:lmk:ch

April 25, 2005

ATTN: Alan Colvin

The attached redraft removes bill SECTION 1 of the "1" draft based upon the opinion of DOT that a school bus functioning as a school bus (carrying pupils) is not a common motor carrier. Accordingly, treatment of s. 194.32 is not necessary.

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

Northrop, Lori

From: Pettis, Mark
Sent: Tuesday, April 26, 2005 9:52 AM
To: LRB.Legal
Subject: Draft review: LRB 05-2573/2 Topic: Allowing school buses to pull trailers

It has been requested by <Pettis, Mark> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-2573/2 Topic: Allowing school buses to pull trailers