



2009 ASSEMBLY BILL 187

April 2, 2009 – Introduced by Representatives MOLEPSKE JR., KERKMAN, PASCH, VRUWINK, TOWNSEND, BERCEAU, BENEDICT, BIES, SOLETSKI and BARCA, cosponsored by Senators LASSA and TAYLOR. Referred to Committee on Transportation.

1 **AN ACT to repeal** 346.48 (2) (b), 346.48 (3) and 349.21; **to amend** 346.48 (1),
2 346.48 (2) (a), 346.48 (2) (bm) and 346.95 (1); and **to create** 346.48 (4) and
3 346.94 (20) of the statutes; **relating to:** school bus seating positions and
4 passenger loading and unloading and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law generally requires the driver of a vehicle approaching a school bus that is stopped on a highway and that is displaying flashing red lights to stop the vehicle not less than 20 feet from the bus and to remain stopped until the bus resumes motion or the school bus driver turns off the flashing red lights. Current law also requires, with certain exceptions, a school bus driver to activate flashing red lights at least 100 feet before stopping to load or unload pupils or other authorized passengers (passengers); these lights must remain activated until loading or unloading is completed and until any person who must cross the highway is safely across. Under one exception, the school bus driver may not activate the flashing red lights when loading or unloading in a special loading area where the bus is entirely off the traveled portion of the highway. Under another exception, the school bus driver may not activate the flashing red lights when loading or unloading in a residence or business district where a sidewalk and curb are laid on both sides of the road, unless there is no traffic signal where the loading or unloading occurs, the person being loaded or unloaded must cross the highway, and a local ordinance authorizes the use of warning lights under these circumstances. However, if a curb

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and sidewalk are laid on one side of the road only, the school bus driver must activate the flashing red lights.

Under this bill, a school bus stopped to load or unload passengers must display flashing red lights, regardless of whether the school bus is on or off the traveled portion of a highway. The bill also allows a school bus driver to stop to load or unload passengers on a highway's right-hand shoulder, entirely off the traveled portion of the highway, if weather and shoulder conditions allow the stop to be made with reasonable safety.

This bill also prohibits a person from operating a school bus if any child is seated in a seating position in the rearmost two rows of the school bus, unless all seating positions except those in the rearmost two rows are occupied. A person who violates this prohibition may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the second or subsequent conviction within one year.

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

1 **SECTION 1.** 346.48 (1) of the statutes is amended to read:

2 346.48 (1) The operator of a vehicle ~~which~~ that approaches from the front or
3 rear any school bus ~~which~~ that has stopped ~~on a street or highway when the bus is~~
4 ~~equipped according to s. 347.25 (2) and when it~~ and is displaying the flashing red
5 warning lights, specified in s. 347.25 (2) shall stop the vehicle not less than 20 feet
6 from the bus and shall remain stopped until the bus resumes motion or the operator
7 extinguishes the flashing red warning lights. The operator of any school bus ~~which~~
8 that approaches from the front or rear any school bus ~~which~~ that has stopped and is
9 displaying flashing red warning lights shall display its flashing red lights while
10 stopped. This subsection does not apply to operators of vehicles proceeding in the
11 opposite direction on a divided highway.

12 **SECTION 2.** 346.48 (2) (a) of the statutes is amended to read:

13 346.48 (2) (a) ~~Except as provided in par. (b) the~~ The operator of a school bus
14 equipped with flashing red warning lights as specified in s. 347.25 (2) shall actuate

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1 such lights at least 100 feet before stopping to load or unload pupils or other
2 authorized passengers, and shall not extinguish such lights until loading or
3 unloading is completed and persons who must cross the highway are safely across.
4 ~~Where the curb and sidewalk are laid on one side of the road only, the operator shall~~
5 ~~use the flashing red warning lights when loading or unloading passengers from~~
6 ~~either side.~~

7 **SECTION 3.** 346.48 (2) (b) of the statutes is repealed.

8 **SECTION 4.** 346.48 (2) (bm) of the statutes is amended to read:

9 346.48 (2) (bm) ~~Except as provided in par. (b) 2. or unless prohibited by~~
10 ~~municipal ordinance enacted under s. 349.21 (2), a~~ A school bus operator shall use
11 the flashing red warning lights as provided in par. (a) in a zone designated by “school”
12 warning signs as provided in s. 118.08 (1) in which a street or highway borders the
13 grounds of a school when pupils or other authorized passengers are loaded or
14 unloaded directly from or onto the school grounds or that portion of the right-of-way
15 between the roadway and the school grounds.

16 **SECTION 5.** 346.48 (3) of the statutes is repealed.

17 **SECTION 6.** 346.48 (4) of the statutes is created to read:

18 346.48 (4) Notwithstanding ss. 346.05 and 346.51 (1), a school bus operator
19 may stop to load or unload pupils or other authorized passengers at a location where
20 the school bus is on the right-hand shoulder, and entirely off the traveled portion,
21 of the highway if weather and shoulder conditions allow the stop to be made with
22 reasonable safety.

23 **SECTION 7.** 346.94 (20) of the statutes is created to read:

