



2013 SENATE BILL 239

July 31, 2013 – Introduced by Senators PETROWSKI, HANSEN, KEDZIE, LASSA, LEHMAN, OLSEN, SCHULTZ and L. TAYLOR, cosponsored by Representatives RIPP, BERNARD SCHABER, BROOKS, KRUG, MURPHY, OHNSTAD, A. OTT, SMITH, TITTL, WEATHERSTON and WRIGHT. Referred to Committee on Transportation, Public Safety, and Veterans and Military Affairs.

1 **AN ACT to renumber and amend** 346.48 (2) (a); **to amend** 110.064 (1) (b), 343.12
2 (1) (b), 346.48 (2) (b) (intro.), 346.48 (2) (bm), 346.48 (2) (c), 346.48 (3), 346.51
3 (1) (a), 347.25 (2), 349.21 (1) and 349.21 (2); and **to create** 346.48 (2) (a) 2. and
4 346.48 (2) (a) 3. of the statutes; **relating to:** warning lights on school buses.

Analysis by the Legislative Reference Bureau

Under current law, a school bus must be equipped with a 360-degree flashing white strobe light and flashing red warning lights. The operator of a school bus must activate the flashing red warning lights at least 100 feet before stopping to load or unload pupils and extinguish the lights only when loading or unloading is completed and persons who must cross the highway are safely across. Also under current law, the driver of a vehicle approaching a school bus that is stopped on a highway and that is displaying flashing red warning lights must stop the vehicle not less than 20 feet from the bus and remain stopped until the bus resumes motion or the bus driver extinguishes the lights. A person who violates this requirement may be required to forfeit not less than \$30 nor more than \$300.

Under this bill, a school bus must be equipped with a 360-degree flashing white strobe light and either flashing red warning lights or flashing red and amber warning lights. Also under the bill, when stopping to load or unload pupils, the operator of a school bus equipped with only flashing red warning lights must follow the signal activation and extinguishing rules currently provided. The operator of a school bus equipped with flashing red and amber warning lights, however, must: 1) activate the amber lights at least 300 feet before stopping in a 45 mile per hour or

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greater speed zone or at least 100 feet before stopping in a less than 45 mile per hour speed zone; 2) at the point of loading or unloading, bring the bus to a stop, extinguish the amber lights, and activate the red lights; and 3) after loading or unloading is completed and persons who must cross the highway are safely across, extinguish the red lights.

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

1 **SECTION 1.** 110.064 (1) (b) of the statutes is amended to read:

2 110.064 (1) (b) The department shall promulgate and enforce a rule requiring
3 that a motor bus under par. (a) satisfy safety standards providing an equivalent level
4 of safety as the safety standards specified by the department for a school bus having
5 the same gross vehicle weight rating and operation standards specifying that the
6 rear door of a motor bus under par. (a) may not be used for the entry or exit of pupils,
7 except in an emergency, except that the department may not promulgate a rule which
8 is in conflict with federal law, which requires the motor bus to be painted in
9 accordance with s. 347.44 (1), or which requires the motor bus to be equipped with
10 flashing red or flashing red and amber warning lights as specified in s. 347.25 (2).

11 **SECTION 2.** 343.12 (1) (b) of the statutes is amended to read:

12 343.12 (1) (b) A motor bus registered in compliance with s. 341.26 (7) and
13 equipped as provided under ss. 347.25 (2) and 347.44 but not transporting children
14 for any purpose is not a school bus within the meaning of this subsection while being
15 used on a highway for purposes other than those specified in s. 340.01 (56) (a) or (am)
16 if the flashing red or flashing red and amber warning lights are not used and all
17 markings on the front and rear of the motor bus indicating that it is a school bus are
18 removed or completely concealed.

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1 **SECTION 3.** 346.48 (2) (a) of the statutes is renumbered 346.48 (2) (a) 1. and
2 amended to read:

3 346.48 **(2)** (a) 1. Except as provided in par. (b), the operator of a school bus
4 equipped with only flashing red warning lights as specified in s. 347.25 (2) shall
5 actuate ~~such~~ the lights at least 100 feet before stopping to load or unload pupils or
6 other authorized passengers, and shall not extinguish ~~such~~ the lights until loading
7 or unloading is completed and persons who must cross the highway are safely across.
8 ~~Where the curb and sidewalk are laid on one side of the road only, the operator shall~~
9 ~~use the flashing red warning lights when loading or unloading passengers from~~
10 ~~either side.~~

11 **SECTION 4.** 346.48 (2) (a) 2. of the statutes is created to read:

12 346.48 **(2)** (a) 2. Except as provided in par. (b), the operator of a school bus
13 equipped with flashing red and amber warning lights as specified in s. 347.25 (2)
14 shall do all of the following when stopping to load or unload pupils or other
15 authorized passengers:

16 a. Actuate the flashing amber warning lights at least 300 feet before stopping
17 in a 45 miles per hour or greater speed zone or at least 100 feet before stopping in a
18 less than 45 mile per hour speed zone.

19 b. At the point of loading or unloading, bring the bus to a stop, extinguish the
20 flashing amber warning lights, and actuate the flashing red warning lights.

21 c. After loading or unloading is completed and persons who must cross the
22 highway are safely across, extinguish the flashing red warning lights.

23 **SECTION 5.** 346.48 (2) (a) 3. of the statutes is created to read:

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1 346.48 (2) (a) 3. Where the curb and sidewalk are laid on one side of the road
2 only, the operator shall use the flashing red or flashing red and amber warning lights
3 when loading or unloading passengers from either side.

4 **SECTION 6.** 346.48 (2) (b) (intro.) of the statutes is amended to read:

5 346.48 (2) (b) (intro.) School bus operators shall not use the flashing red or
6 amber warning lights in:

7 **SECTION 7.** 346.48 (2) (bm) of the statutes is amended to read:

8 346.48 (2) (bm) Except as provided in par. (b) 2. or unless prohibited by
9 municipal ordinance enacted under s. 349.21 (2), a school bus operator shall use the
10 flashing red or amber warning lights as provided in par. (a) in a zone designated by
11 “school” warning signs as provided in s. 118.08 (1) in which a street or highway
12 borders the grounds of a school when pupils or other authorized passengers are
13 loaded or unloaded directly from or onto the school grounds or that portion of the
14 right-of-way between the roadway and the school grounds.

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

16 346.48 (2) (c) When a school bus is being used on a highway for purposes other
17 than those specified in s. 340.01 (56) (a) and (am), the flashing red or amber warning
18 lights shall not be used, and all markings on the front and rear of the bus indicating
19 it is a school bus shall be removed or completely concealed; except that any time a
20 motor vehicle is equipped as provided under ss. 347.25 (2) and 347.44 and is
21 transporting children for any purpose, the school bus markings may remain
22 unconcealed and the flashing red signals or amber warning lights may be used as
23 provided in this section and when so used, sub. (1) applies to operators of other motor
24 vehicles.

25 **SECTION 9.** 346.48 (3) of the statutes is amended to read:

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1 346.48 (3) If the operator of a motor vehicle overtakes a school bus which is
2 stopped and is loading or unloading pupils or other authorized passengers at an
3 intersection on the right side of a roadway in a business or residence district in which
4 the display of the flashing red or amber warning lights on the school bus is not
5 permitted, the operator shall pass at a safe distance to the left of the school bus and
6 shall not turn to the right in front of the school bus at that intersection.

7 **SECTION 10.** 346.51 (1) (a) of the statutes is amended to read:

8 346.51 (1) (a) An unobstructed width of at least 15 feet upon the roadway of
9 such highway must be left opposite such standing vehicle for the free passage of other
10 vehicles. This section shall not apply to a school bus when the school bus is loading
11 or unloading pupils or other authorized passengers where ~~red flashing signal red~~
12 warning lights are used as required by s. 346.48 (2).

13 **SECTION 11.** 347.25 (2) of the statutes is amended to read:

14 347.25 (2) No person may operate a school bus which is painted as provided in
15 s. 347.44 unless it is equipped with ~~flashing red signals and with a 360-degree~~
16 flashing white strobe light having a flashrate of 60 to 120 per minute and either
17 flashing red warning lights or flashing red and amber warning lights. The secretary
18 shall prescribe rules for the type, installation, operation and light output brilliance
19 of the ~~signals and lights~~ required under this subsection. No vehicle may be equipped
20 with ~~such flashing red signals and a~~ the warning and strobe light lights required
21 under this subsection unless it also is painted as provided in s. 347.44.

22 **SECTION 12.** 349.21 (1) of the statutes is amended to read:

23 349.21 (1) The governing body of any town, city, village or county may by
24 ordinance provide for the use of flashing red or amber warning lights by school bus
25 operators in a residence or business district when pupils or other authorized

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1 passengers are to be loaded or unloaded at a location at which there are no traffic
2 signals and such persons must cross the street or highway before being loaded or
3 after being unloaded.

4 **SECTION 13.** 349.21 (2) of the statutes is amended to read:

5 349.21 (2) The governing body of any town, city, village or county may, by
6 ordinance, prohibit the use of flashing red or amber warning lights by school bus
7 operators when pupils or other authorized passengers are loaded or unloaded
8 directly from or onto the school grounds or that portion of the right-of-way between
9 the roadway and the school grounds in a zone designated by “school” warning signs
10 as provided in s. 118.08 (1) in which a street or highway borders the grounds of a
11 school.

12 (END)