

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0645/P1dn
ARG:cjs:rs

December 17, 2012

ATTN: Kelley Flury

Please review the attached draft carefully to ensure that it is consistent with your intent.

To my understanding, federal law requires seat belts for school bus operators and for passengers in school buses weighing 10,000 pounds or less. Because Wisconsin law is derived from the federal requirements, Wisconsin law would also require seat belts in these circumstances. I have therefore prepared this draft to apply only to passengers in school buses weighing more than 10,000 pounds.

You indicated that you would like the penalty provisions in this draft to correspond to penalties for seat belt violations in passenger vehicles under current law. This draft therefore provides for a \$10 forfeiture for school bus seat belt violations. As with seat belt violations for passenger vehicles, this draft creates an exception to any additional surcharges or fees for the violation. This exception has a large economic impact on the violator. For example, child car seat and booster seat violations under s. 347.48 (4) do not have such an exception. The "ticket amount" for a \$10 seat belt violation under s. 347.48 (2m) is \$10. The "ticket amount" for a \$10 car seat violation under s. 347.48 (4) (am), with fees and surcharges, is \$150.

I did not include a provision in this bill relating to evidence of seat belt use in civil litigation. See, for example, s. 347.48 (2m) (g) (seat belts) and s. 347.48 (4) (d) (car seats and booster seats). Please advise if you would like me to include a similar provision in this bill.

I note that bills relating to seat belt requirements in school buses have previously been introduced as 2003 AB-590, 1999 AB-867, and 1995 SB-659. I am not aware of any introduced bill on the topic since the 2003 session.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

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