

soon



LRB-0645/P3 P3

ARG:cjs:jf

in 3/6

stays

RMR

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

D-Note

Gen Cat

purfu

1 AN ACT *to amend* 110.06 (2); and *to create* 347.48 (5) and 347.482 of the statutes;  
2 relating to: safety belts on certain school buses that are purchased or sold.

***Analysis by the Legislative Reference Bureau***

Under current law, if a motor vehicle is required by federal law to be equipped with seat belts, the motor vehicle cannot be bought, sold, or leased in Wisconsin unless the vehicle is so equipped. Federal law does not require school buses weighing more than 10,000 pounds to be equipped with seat belts for passengers.

Also under current law, the Department of Transportation (DOT) must adopt and enforce rules, in the interests of safety, to cover the design, construction, inspection, and operation of school buses. Prior to the use of a motor vehicle as a school bus, the seller of the school bus must obtain a presale inspection of the school bus by DOT verifying compliance with DOT's rules relating to design and construction of school buses, and a copy of the presale inspection report must be provided to the purchaser. However, the purchaser and seller of the school bus may agree that the purchaser will obtain the presale inspection. Certain consequences follow if the presale inspection report shows that the school bus is not in compliance with DOT's rules relating to design and construction of school buses.

Also under current law, contracts for the transportation of pupils must, by reference, incorporate DOT's school bus rules.

Under this bill, a school bus that weighs more than 10,000 pounds cannot be bought, sold, or leased in Wisconsin unless the school bus is equipped with seat belts for passengers that include both pelvic and upper torso restraints. The penalty for a violation of this requirement is a forfeiture of not less than \$10 nor more than \$200.

insert ANAL

\*

The bill also requires DOT's rules relating to design and construction of school buses to include this requirement, which results in inclusion of the requirement in DOT's school bus presale inspection reports and in contracts for the transportation of pupils. The bill does not prohibit operation of school buses that are not equipped with seat belts or require school bus passengers to be restrained in seat belts.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 110.06 (2) of the statutes is amended to read:

110.06 (2) The secretary shall adopt and enforce such rules as he or she deems necessary in the interests of safety to cover the design, construction, inspection, and operation of school buses. Such These rules may, but need not, be uniform for each type of bus designated in s. 340.01 (56) (a) and (am). These rules shall include, as a requirement relating to design and construction of school buses, the requirement under s. 347.48<sup>9</sup>~~2~~.

SECTION 2. 347.48 (5) of the statutes is created to read:

347.48 (5) CERTAIN SCHOOL BUSES EXCEPTED. This section does not apply to a school bus, as defined in s. 347.48<sup>9</sup>~~2~~ (1), except with respect to the operator of the school bus.

SECTION 3. 347.48<sup>9</sup>~~2~~ of the statutes is created to read:

**347.48<sup>9</sup>~~2~~ Safety belts on school buses.** (1) In this section, "school bus" means a school bus, as defined in s. 340.01 (56) (a), that has a gross vehicle weight rating of more than 10,000 pounds. insert 2-15

(2) No person may buy, sell, lease, trade, or transfer a school bus, on or after the effective date of this subsection .... [LRB inserts date], from or to a resident of this

1 state unless the school bus is equipped with safety belts for passengers that include  
2 both pelvic and upper torso restraints.

3 **SECTION 4. Effective date.**

4 (1) This act takes effect on the first day of the 7th month beginning after  
5 publication.

6 (END)

*B-Not*

2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0645/P3ins  
ARG:.....

1

2

3

**INSERT ANAL:**

(no A) and that is manufactured on or after a date approximately six months following  
the bill's enactment ✓

4

**INSERT 2-15:**

5 (no A) and that is manufactured on or after the effective date of this subsection ....

6

[LRB inserts date] ✓

7

8

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

LRB-0645/P3dn

ARG†

js

*Late*

ATTN: Kelley Flury

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

As we discussed, this draft eliminates the penalty under s. 347.50 (by removing this violation from the range of s. 347.35 to 347.49 specified in s. 347.50 (1)), but if a violation were found, a penalty could still be imposed under s. 939.61 (1). ✓✓

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

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

LRB-0645/P3dn  
ARG:cjs:ph

March 13, 2013

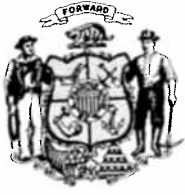
ATTN: Kelley Flury

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



State of Wisconsin  
2013 - 2014 LEGISLATURE

in 4/8



LRB-0645/11  
ARG:cjs:ph

wanted  
4/9

Stays **CMR**

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

4/8 t/c w/ Kelley - take out sentence of analysis, p. 2;  
make a /1  
last

only change - p. 2

Gen Cont

SA

- 1 AN ACT to amend 110.06 (2); and to create 347.48 (5) and 347.492 of the statutes;
- 2 relating to: safety belts on certain school buses that are purchased or sold.

**Analysis by the Legislative Reference Bureau**

Under current law, if a motor vehicle is required by federal law to be equipped with seat belts, the motor vehicle cannot be bought, sold, or leased in Wisconsin unless the vehicle is so equipped. Federal law does not require school buses weighing more than 10,000 pounds to be equipped with seat belts for passengers.

Also under current law, the Department of Transportation (DOT) must adopt and enforce rules, in the interests of safety, to cover the design, construction, inspection, and operation of school buses. Prior to the use of a motor vehicle as a school bus, the seller of the school bus must obtain a presale inspection of the school bus by DOT verifying compliance with DOT's rules relating to design and construction of school buses, and a copy of the presale inspection report must be provided to the purchaser. However, the purchaser and seller of the school bus may agree that the purchaser will obtain the presale inspection. Certain consequences follow if the presale inspection report shows that the school bus is not in compliance with DOT's rules relating to design and construction of school buses.

Also under current law, contracts for the transportation of pupils must, by reference, incorporate DOT's school bus rules.

Under this bill, a school bus that weighs more than 10,000 pounds and that is manufactured on or after a date approximately six months following the bill's enactment cannot be bought, sold, or leased in Wisconsin unless the school bus is equipped with seat belts for passengers that include both pelvic and upper torso

restraints. The bill also requires DOT's rules relating to design and construction of school buses to include this requirement, which results in inclusion of the requirement in DOT's school bus presale inspection reports and in contracts for the transportation of pupils. The bill does not require school bus passengers to be restrained in seat belts.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 110.06 (2) of the statutes is amended to read:

110.06 (2) The secretary shall adopt and enforce such rules as he or she deems necessary in the interests of safety to cover the design, construction, inspection, and operation of school buses. ~~Such~~ These rules may, but need not, be uniform for each type of bus designated in s. 340.01 (56) (a) and (am). These rules shall include, as a requirement relating to design and construction of school buses, the requirement under s. 347.492.

SECTION 2. 347.48 (5) of the statutes is created to read:

347.48 (5) CERTAIN SCHOOL BUSES EXCEPTED. This section does not apply to a school bus, as defined in s. 347.492 (1), except with respect to the operator of the school bus.

SECTION 3. 347.492 of the statutes is created to read:

**347.492 Safety belts on school buses.** (1) In this section, "school bus" means a school bus, as defined in s. 340.01 (56) (a), that has a gross vehicle weight rating of more than 10,000 pounds and that is manufactured on or after the effective date of this subsection .... [LRB inserts date].

(2) No person may buy, sell, lease, trade, or transfer a school bus, on or after the effective date of this subsection .... [LRB inserts date], from or to a resident of this



1 state unless the school bus is equipped with safety belts for passengers that include  
2 both pelvic and upper torso restraints.

3 **SECTION 4. Effective date.**

4 (1) This act takes effect on the first day of the 7th month beginning after  
5 publication.

6 (END)

**Rose, Stefanie**

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**From:** Flury, Kelley  
**Sent:** Thursday, May 23, 2013 10:05 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -0645/1 Topic: Safety belts on school buses

Please Jacket LRB -0645/1 for the SENATE.

## **Kuczenski, Tracy**

---

**From:** Flury, Kelley  
**Sent:** Monday, July 22, 2013 3:47 PM  
**To:** Kuczenski, Tracy  
**Cc:** Gary, Aaron  
**Subject:** State funding for new school buses

Tracy and Aaron, here are the drafting instructions for the funding part of the school bus seatbelts bill.

### **Drafting Instructions**

Create a new categorical aid for school buses equipped with seatbelts.

Call the categorical aid "Seatbelt-Equipped School Buses."

School districts may apply for a grant to reimburse them for:

- When the district owns the school bus: Half the cost of a newly purchased school bus ;
- When the district contracts with a bus company: Half of the difference between a newly purchased school bus that is equipped with seat belts and a similar or identical bus that does not have seatbelts.

DPI will promulgate rules on the application procedure.

424

catag. and -  
sum suff. -

sd. calc. inc. cost & apply to sp.

if own  
st. pays  $\frac{1}{2}$  cost of new  
sch bus

if K  
eg. if <sup>own</sup> V&E buys new bus for s.d.

to paid. for Janville

st. pays ~~Janville~~ <sup>V&E</sup>  $\frac{1}{2}$  cost of  
buying a new  
sch. bus

what if V&E sells the bus? or K expires?

7/8/13

Kelley will call me back -  
wants to contact Janville sd.

some sd K w/ operators  
" " have their own

See Cullen

7/8

Kelley Flury 6-2253

- 0645 → new bill
- another draft → state world fund  
1/2 cost of equipping school buses  
with seat belts
  - DPI - categorical aids
  - school district

## Kuczenski, Tracy

---

**From:** Flury, Kelley  
**Sent:** Monday, August 12, 2013 5:13 PM  
**To:** Kuczenski, Tracy  
**Subject:** RE: State funding for new school buses

Hi Tracy,

Let's go with sum sufficient and yes, GPR. Regarding the question in the second e-mail, I think we will have to talk through that. I was thinking that we would be reimbursing the school district only once when the bus company purchases a seatbelt-equipped school bus. So any time a school district purchases a seatbelt-equipped bus, or a bus company purchases one for use by the school, the district would be able to apply for a grant to be partially reimbursed only once.

If you have any other ideas for how to do it if a school contracts with a bus company for bus service, please let me know.

**Kelley Flury**  
**Office of Sen. Tim Cullen**  
608-266-2253

---

**From:** Kuczenski, Tracy  
**Sent:** Saturday, August 10, 2013 7:02 PM  
**To:** Flury, Kelley  
**Subject:** RE: State funding for new school buses

Hi Kelley –

I am working on this draft and have a couple of questions:

1. I assume you want the funds to come from general purpose revenues (GPR) and not some other source?
2. Do you want the appropriation to be a "sum sufficient" appropriation or an "amounts in the schedule" appropriation?

A sum sufficient appropriation is one "in the amounts necessary to accomplish the purpose specified" and for practical purposes acts as a blank check. "Amounts in the schedule," on the other hand, are specified amounts and when they are spent, they are spent (even if, in this case, some school districts have not yet accomplished the transition to seatbelt-equipped buses).

3. If you want the appropriation to be an "amounts in the schedule," do you want it to be annual, biennial, or continuing? Annual appropriations are "expendable only up to the amount shown in the schedule and only for the fiscal year for which made;" biennial appropriations are "expendable only for the biennium for which made;" and continuing appropriations "are appropriations which are expendable until fully depleted or repealed by subsequent action of the legislature." So, in the case of a continuing appropriation, if there are funds left over at the end of the biennium, they will rollover into the next biennium.

4. If you want the appropriation to be an "amounts in the schedule," what amount should I place in the schedule for each year of the biennium?
5. Finally, if the appropriation is an "amounts in the schedule," do you want to require the department to pro-rate the grants such that, if too many school districts apply for grants, the funds available shall be pro-rated amongst applicants? If yes, I may need to ask follow-up questions (such as do you want to require school districts to apply for grants at specified times, or restrict the times at which the department may award grants)

Thanks,  
Tracy

Tracy K. Kuczenski  
*Legislative Attorney*  
Wisconsin Legislative Reference Bureau  
[tracy.kuczenski@legis.wisconsin.gov](mailto:tracy.kuczenski@legis.wisconsin.gov)  
(608) 266-9867

---

**From:** Flury, Kelley  
**Sent:** Monday, August 05, 2013 9:35 AM  
**To:** Kuczenski, Tracy  
**Cc:** Stoa, Jim  
**Subject:** RE: State funding for new school buses

Thank you! Sen. Cullen said this bill is a priority for him.

**Kelley Flury**  
**Office of Sen. Tim Cullen**  
608-266-2253

---

**From:** Kuczenski, Tracy  
**Sent:** Monday, July 29, 2013 9:26 AM  
**To:** Flury, Kelley  
**Subject:** RE: State funding for new school buses

No problem. I'm out of the office tomorrow through the 7<sup>th</sup>. I don't believe I'll have this done before I leave, but it will be my priority when I return.

Tracy

Tracy K. Kuczenski  
*Legislative Attorney*  
Wisconsin Legislative Reference Bureau  
[tracy.kuczenski@legis.wisconsin.gov](mailto:tracy.kuczenski@legis.wisconsin.gov)  
(608) 266-9867

---

**From:** Flury, Kelley  
**Sent:** Monday, July 29, 2013 9:06 AM

**To:** Kuczenski, Tracy  
**Subject:** RE: State funding for new school buses

Redraft please.

**Kelley Flury**  
**Office of Sen. Tim Cullen**  
608-266-2253

---

**From:** Kuczenski, Tracy  
**Sent:** Friday, July 26, 2013 5:48 PM  
**To:** Flury, Kelley  
**Cc:** Gary, Aaron  
**Subject:** RE: State funding for new school buses

Hi Kelley –

Do you want this to be a redraft of LRB-0645 (adding in my portion), or do you want this as a new bill (combining Aaron's draft with my new material)?

Tracy

Tracy K. Kuczenski  
*Legislative Attorney*  
Wisconsin Legislative Reference Bureau  
[tracy.kuczenski@legis.wisconsin.gov](mailto:tracy.kuczenski@legis.wisconsin.gov)  
(608) 266-9867

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- When the district contracts with a bus company: Half of the difference between a newly purchased school bus that is equipped with seat belts and a similar or identical bus that does not have seatbelts.

DPI will promulgate rules on the application procedure.

## Kuczenski, Tracy

---

**From:** Kuczenski, Tracy  
**Sent:** Saturday, August 10, 2013 7:20 PM  
**To:** Flury, Kelley  
**Subject:** RE: State funding for new school buses

Hi Kelley –

An additional series of questions:

If a school district contracts with a bus company, is it anticipated that the school bus company will charge a premium for the use of seatbelt –equipped school buses in every year in which the school contracts with the company for the lifetime of the school bus? That is, will this be a recurring added expense for these school districts?

If so, do you want to permit these school district to reapply for grant moneys each school year?

And if so, do you want to place a cap on the amount of grant money such a school district could receive over a set or specified number of years?

Tracy

Tracy K. Kuczenski  
*Legislative Attorney*  
Wisconsin Legislative Reference Bureau  
[tracy.kuczenski@legis.wisconsin.gov](mailto:tracy.kuczenski@legis.wisconsin.gov)  
(608) 266-9867

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**Cc:** Stoa, Jim  
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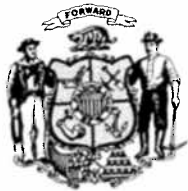
**Kelley Flury**  
**Office of Sen. Tim Cullen**  
608-266-2253

---

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**Sent:** Monday, July 29, 2013 9:26 AM  
**To:** Flury, Kelley  
**Subject:** RE: State funding for new school buses

No problem. I'm out of the office tomorrow through the 7<sup>th</sup>. I don't believe I'll have this done before I leave, but it will be my priority when I return.

Tracy



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-0645/12  
ARG/cjs/ph  
Leev  
#TKK  
RMMR  
MCAAS

2013 BILL

7/13/13

Wanted 8/15/13

regen

1 AN ACT *to amend* 110.06 (2); and *to create* 347.48 (5) and 347.492 of the statutes;  
2 relating to: safety belts on certain school buses that are purchased or sold.

***Analysis by the Legislative Reference Bureau***

Under current law, if a motor vehicle is required by federal law to be equipped with seat belts, the motor vehicle cannot be bought, sold, or leased in Wisconsin unless the vehicle is so equipped. Federal law does not require school buses weighing more than 10,000 pounds to be equipped with seat belts for passengers.

Also under current law, the Department of Transportation (DOT) must adopt and enforce rules, in the interests of safety, to cover the design, construction, inspection, and operation of school buses. Prior to the use of a motor vehicle as a school bus, the seller of the school bus must obtain a presale inspection of the school bus by DOT verifying compliance with DOT's rules relating to design and construction of school buses, and a copy of the presale inspection report must be provided to the purchaser. However, the purchaser and seller of the school bus may agree that the purchaser will obtain the presale inspection. Certain consequences follow if the presale inspection report shows that the school bus is not in compliance with DOT's rules relating to design and construction of school buses.

Also under current law, contracts for the transportation of pupils must, by reference, incorporate DOT's school bus rules.

Under this bill, a school bus that weighs more than 10,000 pounds and that is manufactured on or after a date approximately six months following the bill's enactment cannot be bought, sold, or leased in Wisconsin unless the school bus is equipped with seat belts for passengers that include both pelvic and upper torso

**BILL**

restraints. The bill also requires DOT's rules relating to design and construction of school buses to include this requirement, which results in inclusion of the requirement in DOT's school bus presale inspection reports and in contracts for the transportation of pupils.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

**SECTION 1.** 110.06 (2) of the statutes is amended to read:

**110.06 (2)** The secretary shall adopt and enforce such rules as he or she deems necessary in the interests of safety to cover the design, construction, inspection, and operation of school buses. Such These rules may, but need not, be uniform for each type of bus designated in s. 340.01 (56) (a) and (am). These rules shall include, as a requirement relating to design and construction of school buses, the requirement under s. 347.492.

**SECTION 2.** 347.48 (5) of the statutes is created to read:

**347.48 (5) CERTAIN SCHOOL BUSES EXCEPTED.** This section does not apply to a school bus, as defined in s. 347.492 (1), except with respect to the operator of the school bus.

**SECTION 3.** 347.492 of the statutes is created to read:

**347.492 Safety belts on school buses. (1)** In this section, "school bus" means a school bus, as defined in s. 340.01 (56) (a), that has a gross vehicle weight rating of more than 10,000 pounds and that is manufactured on or after the effective date of this subsection .... [LRB inserts date].

**(2)** No person may buy, sell, lease, trade, or transfer a school bus, on or after the effective date of this subsection .... [LRB inserts date], from or to a resident of this

**BILL**

1 state unless the school bus is equipped with safety belts for passengers that include  
2 both pelvic and upper torso restraints.

3 **SECTION 4. Effective date.**

4 (1) This act takes effect on the first day of the 7th month beginning after  
5 publication.

6 (END)

2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0645/lins

TKK:ej:ph

eev

INSERT ANALYSIS

Under current law, a school district may provide pupil transportation by contracting with a common carrier, taxi company, or other party, including a pupil's parent, or by purchasing and operating a motor vehicle. This bill establishes a grant program to defray the costs to a school district that provides pupil transportation on school buses equipped with safety belts. Under the grant program, a school district that purchases its own school buses may apply to receive a grant equal to 50 percent of the cost of each safety belt-equipped school bus. A school district that contracts with a school bus operator for pupil transportation may apply to receive 50 percent of the difference between the cost to the school bus operator to purchase a school bus equipped with safety belts and the cost to the school bus operator to purchase a school bus without safety belts.

INSERT 2-1

SECTION 1. 20.255 (2) (cv) of the statutes is created to read:

20.255 (2) (cv) *Safety belt-equipped school buses.* A sum sufficient to make grants to school districts under s. 115.437.

INSERT 2-8

SECTION 2. 115.437 of the statutes is created to read:

**115.437 Safety belt-equipped school buses.** (1) A school board may apply

to the department for a grant to defray the costs of providing school buses equipped with safety belts as required under s. 347.492. The school board shall comply with any application procedures and documentation requirements established by the department by rule under sub. (3).

(2) The department shall award grants to school districts under sub. (1) from the appropriation under s. 20.255 (2) (cv) in the following amounts:

(a) For a school district that purchases safety belt-equipped school buses, 50 percent of the cost of each safety-belt equipped school bus purchased by the school district.

1           (b) For a school district that contracts for the operation of a school bus equipped  
2 with safety belts, an amount equal to 50 percent of the difference between the cost  
3 to the school bus operator to purchase a school bus that is equipped with safety belts  
4 and the cost to the school bus operator to purchase a school bus that is not equipped  
5 with safety belts.

6           (3) The department shall promulgate rules to implement this section. ✓

2009 2013

Insert schedule

LRB 0645 1 2

File With Statute **20.005 (3)** Schedule ARGTKK : \_\_\_\_\_ : \_\_\_\_\_

**\$\$\$ SCHEDULE**

In the component bar:

For the action phrase, execute: ..... create → action: → **ch20**  
For the table layout, execute: ..... create → <Table> → **\$sched**

**SECTION #.** 20.005 (3) (schedule) of the statutes: at the appropriate place,

insert the following amounts for the purposes indicated:

2013-14  
~~2009-10~~

2014-15  
~~2010-11~~

20. 255 Public instruction, department of (C)

(2) Aids for local educational programming (C)

(CV) Safety belts equipped school buses (C)

GPR S

20. \_\_\_\_\_

( ) \_\_\_\_\_

( ) \_\_\_\_\_



**Kuczenski, Tracy**

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**From:** Flury, Kelley  
**Sent:** Tuesday, August 20, 2013 10:37 AM  
**To:** Kuczenski, Tracy  
**Subject:** Another re-draft of LRB-0645: Seat belts on school buses

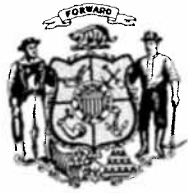
Hi Tracy,

We are going to simplify the grant program. Instead of making a distinction between school districts that own their school buses and districts that contract with a bus company, we simply want to create a grant program to reimburse any district for half the cost of a school bus that is attributable to installing seat belts.

So if a school bus with seat belts costs \$120,000 and one without costs \$100,000, the district could apply for a \$5,000 grant.

Again, under the bill, DPI would promulgate rules for awarding the grants.

**Kelley Flury**  
**Office of Sen. Tim Cullen**  
608-266-2253



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-0645/23

ARG&TKK:cjs&eev:rs

Stays RMM12

2013 BILL

8/20/2013

SOON

Duff  
8/20  
jm

regen

1 AN ACT *to amend* 110.06 (2); and *to create* 20.255 (2) (cv), 115.438, 347.48 (5)  
2 and 347.492 of the statutes; **relating to:** safety belts on certain school buses  
3 that are purchased or sold.

*Analysis by the Legislative Reference Bureau*

Under current law, if a motor vehicle is required by federal law to be equipped with seat belts, the motor vehicle cannot be bought, sold, or leased in Wisconsin unless the vehicle is so equipped. Federal law does not require school buses weighing more than 10,000 pounds to be equipped with seat belts for passengers.

Also under current law, the Department of Transportation (DOT) must adopt and enforce rules, in the interests of safety, to cover the design, construction, inspection, and operation of school buses. Prior to the use of a motor vehicle as a school bus, the seller of the school bus must obtain a presale inspection of the school bus by DOT verifying compliance with DOT's rules relating to design and construction of school buses, and a copy of the presale inspection report must be provided to the purchaser. However, the purchaser and seller of the school bus may agree that the purchaser will obtain the presale inspection. Certain consequences follow if the presale inspection report shows that the school bus is not in compliance with DOT's rules relating to design and construction of school buses.

Also under current law, contracts for the transportation of pupils must, by reference, incorporate DOT's school bus rules.

Under this bill, a school bus that weighs more than 10,000 pounds and that is manufactured on or after a date approximately six months following the bill's

**BILL**

*district to provide pupil transportation on*

enactment cannot be bought, sold, or leased in Wisconsin unless the school bus is equipped with seat belts for passengers that include both pelvic and upper torso restraints. The bill also requires DOT's rules relating to design and construction of school buses to include this requirement, which results in inclusion of the requirement in DOT's school bus presale inspection reports and in contracts for the transportation of pupils.

Under current law, a school district may provide pupil transportation by contracting with a common carrier, taxi company, or other party, including a pupil's parent, or by purchasing and operating a motor vehicle. This bill establishes a grant program to defray the costs to a school district that provides pupil transportation on school buses equipped with safety belts. Under the grant program, a school district that purchases its own school buses may apply to receive a grant equal to 50 percent of the cost of each safety belt-equipped school bus. A school district that contracts with a school bus operator for pupil transportation may apply to receive 50 percent of the difference between the cost to the school bus operator to purchase a school bus equipped with safety belts and the cost to the school bus operator to purchase a school bus without safety belts.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

*the district to provide pupil transportation on*

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

- 1           **SECTION 1.** 20.255 (2) (cv) of the statutes is created to read:
- 2           20.255 (2) (cv) *Safety belt-equipped school buses.* A sum sufficient to make
- 3           grants to school districts under s. 115.438.
- 4           **SECTION 2.** 110.06 (2) of the statutes is amended to read:
- 5           110.06 (2) The secretary shall adopt and enforce such rules as he or she deems
- 6           necessary in the interests of safety to cover the design, construction, inspection, and
- 7           operation of school buses. Such These rules may, but need not, be uniform for each
- 8           type of bus designated in s. 340.01 (56) (a) and (am). These rules shall include, as
- 9           a requirement relating to design and construction of school buses, the requirement
- 10          under s. 347.492.
- 11          **SECTION 3.** 115.438 of the statutes is created to read:

*transportation of pupils under SSC 121054 and 1210545 on*

**BILL**

1           **115.438 Safety belt-equipped school buses.** (1) A school board may apply  
2 to the department for a grant to defray the costs of providing school buses equipped  
3 with safety belts as required under s. 347.492. The school board shall comply with  
4 any application procedures and documentation requirements established by the  
5 department by rule under sub. (3).

*that complies with the requirements*

6           (2) The department shall award grants to school districts under sub. (1) from  
7 the appropriation under s. 20.255 (2) (cv) in the following amounts:

8           (a) For a school district that purchases safety belt-equipped school buses, 50  
9 percent of the cost of each safety-belt equipped school bus purchased by the school  
10 district.

11           (b) For a school district that contracts for the operation of a school bus equipped  
12 with safety belts, an amount equal to 50 percent of the difference between the cost  
13 to the school bus operator to purchase a school bus that is equipped with safety belts  
14 and the cost to the school bus operator to purchase a school bus that is not equipped  
15 with safety belts.

*a district to provide pupil transportation on*

*a district to provide pupil transportation on*

16           (3) The department shall promulgate rules to implement this section.

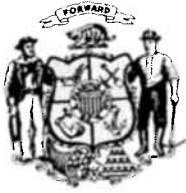
17           **SECTION 4.** 347.48 (5) of the statutes is created to read:

18           **347.48 (5) CERTAIN SCHOOL BUSES EXCEPTED.** This section does not apply to a  
19 school bus, as defined in s. 347.492 (1), except with respect to the operator of the  
20 school bus.

21           **SECTION 5.** 347.492 of the statutes is created to read:

22           **347.492 Safety belts on school buses.** (1) In this section, "school bus" means  
23 a school bus, as defined in s. 340.01 (56) (a), that has a gross vehicle weight rating  
24 of more than 10,000 pounds and that is manufactured on or after the effective date  
25 of this subsection .... [LRB inserts date].





State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-0645/3 4

ARG&TKK:cjs&eev:jm

RAMZ

2013 BILL

8/22/13

Today

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1 AN ACT *to amend* 110.06 (2); and *to create* 20.255 (2) (cv), 115.438, 347.48 (5)  
 2 and 347.492 of the statutes; **relating to:** safety belts on certain school buses  
 3 that are purchased or sold. *and making an appropriation*

***Analysis by the Legislative Reference Bureau***

Under current law, if a motor vehicle is required by federal law to be equipped with seat belts, the motor vehicle cannot be bought, sold, or leased in Wisconsin unless the vehicle is so equipped. Federal law does not require school buses weighing more than 10,000 pounds to be equipped with seat belts for passengers.

Also under current law, the Department of Transportation (DOT) must adopt and enforce rules, in the interests of safety, to cover the design, construction, inspection, and operation of school buses. Prior to the use of a motor vehicle as a school bus, the seller of the school bus must obtain a presale inspection of the school bus by DOT verifying compliance with DOT's rules relating to design and construction of school buses, and a copy of the presale inspection report must be provided to the purchaser. However, the purchaser and seller of the school bus may agree that the purchaser will obtain the presale inspection. Certain consequences follow if the presale inspection report shows that the school bus is not in compliance with DOT's rules relating to design and construction of school buses.

Also under current law, contracts for the transportation of pupils must, by reference, incorporate DOT's school bus rules.

Under this bill, a school bus that weighs more than 10,000 pounds and that is manufactured on or after a date approximately six months following the bill's

**BILL**

enactment cannot be bought, sold, or leased in Wisconsin unless the school bus is equipped with seat belts for passengers that include both pelvic and upper torso restraints. The bill also requires DOT's rules relating to design and construction of school buses to include this requirement, which results in inclusion of the requirement in DOT's school bus presale inspection reports and in contracts for the transportation of pupils.

Under current law, a school district may provide pupil transportation by contracting with a common carrier, taxi company, or other party, including a pupil's parent, or by purchasing and operating a motor vehicle. This bill establishes a grant program to defray the costs to a school district that provides pupil transportation on school buses equipped with safety belts. Under the grant program, a school district may apply to receive a grant equal to 50 percent of the difference between the cost to the school district to provide pupil transportation on a school bus equipped with safety belts and the cost to the school district to provide pupil transportation on a school bus without safety belts.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 20.255 (2) (cv) of the statutes is created to read:

2           20.255 (2) (cv) *Safety belt-equipped school buses.* A sum sufficient to make  
3 grants to school districts under s. 115.438.

4           **SECTION 2.** 110.06 (2) of the statutes is amended to read:

5           110.06 (2) The secretary shall adopt and enforce such rules as he or she deems  
6 necessary in the interests of safety to cover the design, construction, inspection, and  
7 operation of school buses. ~~Such~~ These rules may, but need not, be uniform for each  
8 type of bus designated in s. 340.01 (56) (a) and (am). These rules shall include, as  
9 a requirement relating to design and construction of school buses, the requirement  
10 under s. 347.492.

11           **SECTION 3.** 115.438 of the statutes is created to read:

12           **115.438 Safety belt-equipped school buses.** (1) A school board may apply  
13 to the department for a grant to defray the costs of providing transportation of pupils

**BILL**

1 under ss. 121.54 and 121.545 on school buses equipped with safety belts as required  
2 under s. 347.492. The school board shall comply with any application procedures and  
3 documentation requirements established by the department by rule under sub. (3).

4 (2) The department shall award a grant to a school district that complies with  
5 the requirements under sub. (1) from the appropriation under s. 20.255 (2) (cv) in an  
6 amount equal to 50 percent of the difference between the cost to the school district  
7 to provide pupil transportation on a school bus that is equipped with safety belts and  
8 the cost to the school district to provide pupil transportation on a school bus that is  
9 not equipped with safety belts.

10 (3) The department shall promulgate rules to implement this section.

11 **SECTION 4.** 347.48 (5) of the statutes is created to read:

12 347.48 (5) CERTAIN SCHOOL BUSES EXCEPTED. This section does not apply to a  
13 school bus, as defined in s. 347.492 (1), except with respect to the operator of the  
14 school bus.

15 **SECTION 5.** 347.492 of the statutes is created to read:

16 **347.492 Safety belts on school buses.** (1) In this section, "school bus" means  
17 a school bus, as defined in s. 340.01 (56) (a), that has a gross vehicle weight rating  
18 of more than 10,000 pounds and that is manufactured on or after the effective date  
19 of this subsection .... [LRB inserts date].

20 (2) No person may buy, sell, lease, trade, or transfer a school bus, on or after  
21 the effective date of this subsection .... [LRB inserts date], from or to a resident of this  
22 state unless the school bus is equipped with safety belts for passengers that include  
23 both pelvic and upper torso restraints.

24 **SECTION 6. Effective date.**



**BILL**

1  
2  
3

(1) This act takes effect on the first day of the 7th month beginning after  
publication.

(END)

