

No. 457, S.]

[Published June 22, 1949.]

**CHAPTER 311.**

AN ACT to repeal and recreate 40.345 and to create 40.34 (8) of the statutes, relating to use of school busses and liability insurance therefor.

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

SECTION 1. 40.34 (8) of the statutes is created to read:

40.34 (8) TRANSPORTATION FOR EXTRACURRICULAR ACTIVITIES. (a) Any school district or other governmental agency authorized to operate or contract for the operation of a school bus may provide transportation for the persons defined in section 40.345 (3) (a) to and from any extracurricular school activity defined in section 40.345 (3) (b) when:

1. A school bus which is regularly used by or for such school district or other such governmental agency is used for such transportation, and such transportation is under the immediate supervision of a competent adult employe of such school district or other governmental agency and such bus shall be operated by a competent driver regularly used as a bus driver by such school district, school or such other governmental agency;
2. Such school has an actual educational interest in such activity;
3. Such use does not extend more than 50 miles beyond the boundary of the state;
4. The principal or other person with comparable authority authorizes such use; and
5. Such school bus is insured as defined in section 40.345.

(b) Any such school, school district or other governmental agency may make or authorize a charge for such transportation to be paid by the persons transported in an amount:

1. Sufficient to reimburse it for the use of such school bus, or
2. If such school bus is operated by a person under contract with such school district or other governmental agency, sufficient to adequately reimburse the owner or operator thereof for such use.

SECTION 2. 40.345 of the statutes is repealed and recreated to read:

40.345 (1) No motor vehicle shall be used as a school bus unless a policy of automobile bodily injury and property damage liability insurance, issued by an insurer authorized to transact business in this state, shall be maintained thereon. Such policy shall provide bodily injury liability coverage with limits of not less than \$10,000 for each person, and subject to such limit for each person.

(a) \$30,000 for each accident for each such motor vehicle having a seating capacity of 7 passengers or less;

(b) \$40,000 for each accident for each such motor vehicle having a seating capacity of more than 7 but less than 16 passengers;

(c) \$50,000 for each accident for each such motor vehicle having a seating capacity of more than 15 but less than 25 passengers;

(d) \$75,000 for each accident for each such motor vehicle having a seating capacity of more than 24 but less than 37 passengers;

(e) \$100,000 for each accident for each such motor vehicle having a seating capacity of more than 36 but less than 50 passengers; and

(f) Not less than \$2,000 for each accident for each passenger seat accommodation for each such motor vehicle having a seating capacity of more than 49 passengers.

(2) Such policy shall also provide property damage liability coverage with a limit of not less than \$5,000.

(3) Coverage under such policy of insurance shall apply:

(a) To the transportation of school children and students; their parents or guardians; members of the faculty and school doctors, dentists and nurses, to and from the school or district which operates such bus or which contracts for its operation; and

(b) To the transportation of such persons in connection with any extracurricular school activity, such as a school athletic contest, school game, school outing or school field or any other similar school trip when made in conformity with section 40.34 (8) (a). But when so used, unless otherwise provided in the policy, such insurance shall apply only to accidents occurring in the state and not to exceed 50 miles beyond its boundaries.

(4) Any insurer issuing any such policy may exclude coverage for public or livery use of any such school bus, but any such exclusion shall not apply:

(a) When any such school bus, while regularly used as such, is also used to transport students of another school, public or parochial, whether or not a charge is made for such transportation; nor

(b) When used in accordance with subsection (3), whether or not any person lawfully transported is required to pay a charge therefor.

(5) The school district or other governmental agency responsible for the operation of any such school bus, or which lawfully contracts for its operation, shall procure such insurance, and the district in which the students or children reside or the governmental agency responsible shall pay for the cost thereof.

(6) If, with respect to the maintenance, operation or use of any such school bus, the defense of governmental function is available to any such school district or other such governmental agency, such defense shall not apply to the extent of the insurance coverage afforded by any such policy of insurance, nor shall such defense be available to any such insurer under any such policy.

(7) This section shall not apply to any motor vehicle owned or operated by a parent or guardian of a child or student transported whether or not any contract is made with or compensation paid to such parent or guardian for such transportation by any school district or other governmental agency.

(8) Every such policy of insurance shall be filed with the board of the school district in which such children reside or with the governmental agency responsible for the operation of any such school bus.

Approved June 18, 1949.

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