

CHAPTER 514

AN ACT to repeal 40.59 (2) and 110.035; to renumber and amend 40.59 (1) and (3) and 346.94 (7), as created by chapter 260, laws of 1957 (Bill No. 99, S.); to amend 40.53 (7) and (8), 40.58 (4), 110.06 (3), as amended by chapter 260, laws of 1957 (Bill No. 99, S.), 346.48 (2) and 347.25 (2), as created by chapter 260, laws of 1957 (Bill No. 99, S.); to repeal and recreate 340.01 (56), as created by chapter 260, laws of 1957 (Bill No. 99, S.); and to create 40.52 and 347.44 (3) of the statutes, relating to the definition, operation, construction and equipment of school busses, conferring rule-making authority and providing penalties.

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

SECTION 1. 40.52 of the statutes is created to read:

40.52 "SCHOOL BUS" DEFINED. In ss. 40.53 to 40.58, "school bus" means a motor vehicle which transports children to or from a public school or which transports school groups engaged in extracurricular activities to or from points designated by such public school, even though such vehicle also transports children or school groups to or from private schools or colleges or points designated by them, but does not include:

(1) A motor vehicle owned or operated by a parent or guardian transporting only his own children, regardless of whether the school has made a contract with or paid compensation to such parent or guardian for such transportation; or

(2) A vehicle having a seating capacity of fewer than 10 persons, including the operator, and used in casual, occasional or reciprocal transportation of school children and not under contract.

SECTION 2. 40.53 (7) and (8) of the statutes are amended to read:

40.53 (7) (a) The commissioner of * * * motor * * * vehicles shall adopt and enforce such rules * * * as he deems necessary in the interests of safety to cover the design, construction, inspection and operation of * * * school busses. Such rules * * * shall by reference be made a part of any contract for transportation of public school pupils.

(b) All drivers or operators of * * * vehicles used for the transportation of public school pupils for compensation shall be under written contract with the school district for which such drivers or operators transport pupils. The form of contract shall be prescribed by the state superintendent and shall provide that any party to such contract shall be at all times subject to rules * * * of the department of public instruction * * * and any rules adopted by the commissioner of motor vehicles pursuant to par. (a).

(c) The school board may adopt additional rules * * *, not inconsistent with state law or rules adopted pursuant to pars. (a) or (b), for the protection of the pupils or to govern the conduct of the person in charge of the conveyance used for transportation of public school pupils for compensation. * * *

(d) School district boards, municipal boards and persons independently engaged in transportation of pupils shall discontinue the use of any vehicle used by them to transport pupils upon receipt of an order signed by the state superintendent or the commissioner of motor vehicles ordering such discontinuance. Members of the state department of public instruction and of the motor vehicle department are authorized to ride any public school bus at any time for the purpose of inspection.

(8) The location and extent of all *public* school bus routes for the transportation of * * * pupils shall be determined by the school board of the district or the municipal board operating such routes *on which non-resident pupils are transported*, but no *public high school bus* route shall be put into operation until a certificate of approval has been obtained from both the county school committee and the state superintendent and no state aids shall be granted any district or municipality which operates *public high school bus* routes not so approved. In case of disagreements on approval of bus routes the decision of the state superintendent shall control. *Public school bus* routes shall be established in such manner that transportation will be provided all students residing 2 miles or more from the nearest public school they are eligible to attend in the case of pupils residing in the district and in the case of nonresident high school students living 2 miles or more from the school and in the area served by the approved bus route of that school, except for those students for whom board and lodging is provided. Upon receipt of a signed order from the state superintendent, the board shall discontinue any route specified by him.

SECTION 3. 40.58 (4) of the statutes is amended to read:

40.58 (4) This section * * * *does not apply to any school * * * bus for which a certificate of compliance already has been issued by the motor vehicle department and which * * * carries a certificate not more than one year old nor to any school bus having a passenger-carrying capacity of fewer than 10 persons, including the operator. Passenger-carrying capacity shall be determined by dividing by 20 the total seating space measured in inches.*

SECTION 4. 40.59 (1) of the statutes is renumbered 347.44 (1) and amended to read:

347.44 PAINTING REQUIREMENTS FOR SCHOOL BUSES; RESTRICTIONS AS TO PAINTING OF OTHER VEHICLES. (1) *Except as provided in sub. (2), all * * * school busses * * * shall be painted as follows:*

(a) With the exception of fenders and trim, the body, including hood, cowl and roof shall be painted a uniform color, national school bus chrome, according to national bureau of standards specifications;

(b) The fenders and body trim, if used, shall be black; and

(c) The words, "SCHOOL BUS", in black letters at least 8 inches high shall appear on both the front and rear of the body or on a sign attached thereto. * * *

SECTION 5. 40.59 (2) of the statutes is repealed.

SECTION 6. 40.59 (3) of the statutes is renumbered 347.44 (2) and amended to read:

347.44 (2) * * * *Subsection (1) does not apply to * * * common carrier motor busses when used for the transportation of school children to and from extracurricular activities. The following vehicles may, but need not comply with sub. (1):*

(a) *Motor busses which are used jointly as school busses and in regular urban service.*

(b) *School busses having a passenger-carrying capacity of fewer than 10 persons, including the operator. Passenger-carrying capacity shall be determined by dividing by 20 the total seating space measured in inches.*

SECTION 7. 110.035 of the statutes is repealed.

SECTION 8. 110.06 (3) of the statutes, as amended by chapter 260, laws of 1957 (Bill No. 99, S.), is amended to read:

110.06 (3) All orders, determinations and rules made by the commissioner of motor vehicles under the powers and authority transferred to him by this chapter have the same force and effect as is provided for similar orders, determinations and rules of any department, made under the powers transferred hereby. Violations of those orders, determinations and rules pertaining to chs. 40 and 341 to 349 shall be punished as provided by s. 341.04 (3), those pertaining to ch. 194 as provided by s. 194.17 and those pertaining to s. 110.10 as provided by s. 110.10 (13).

SECTION 9. 340.01 (56) of the statutes, as created by chapter 260, laws of 1957 (Bill No. 99, S.), is repealed and recreated to read:

340.01 (56) "School bus" means a motor vehicle which transports children to or from a public school or which transports school groups engaged in extracurricular activities to or from points designated by such public school, even though such vehicle also transports children or school groups to or from private schools or colleges or points designated by them, but does not include:

(a) A motor vehicle owned or operated by a parent or guardian transporting only his own children, regardless of whether the school has made a contract with or paid compensation to such parent or guardian for such transportation; or

(b) A vehicle having a seating capacity of fewer than 10 persons, including the operator, and used in casual, occasional or reciprocal transportation of school children and not under contract.

SECTION 10. 346.48 (2) of the statutes, as created by chapter 260, laws of 1957 (Bill No. 99, S.), is amended to read:

346.48 (2) The operator of a school bus shall not use the flashing red signals in the built-up areas of cities, villages or towns where passengers are to be loaded or unloaded from a curb or sidewalk or in special bus loading areas *but shall use the flashing red signals in all other cases when stopping on the street or highway for the purpose of loading or unloading any school child.* When a school bus is being used upon a highway for purposes other than the actual transportation of *school children * * * or school groups*, the flashing red signals shall not be used and all markings thereon indicating it is a school bus shall be removed or concealed.

SECTION 11. 346.94 (7) of the statutes, as created by chapter 260, laws of 1957 (Bill No. 99, S.), is renumbered 347.44 (4) and amended to read:

347.44 (4) No owner of any vehicle using the highways * * * shall paint or in any way designate his vehicle in the manner described in * * * *this section, except as expressly authorized by this section.*

SECTION 12. 347.25 (2) of the statutes, as created by chapter 260, laws of 1957 (Bill No. 99, S.), is amended to read:

347.25 (2) No person shall operate a school bus * * * *which is painted as provided in s. 347.44* unless such school bus is equipped with flashing red signals of a type and actuated in a manner approved by the * * * *commissioner of motor vehicles. No vehicle shall be equipped with such flashing signals unless it also is painted as provided in s. 347.44.*

SECTION 13. 347.44 (3) of the statutes is created to read:

347.44 (3) If a vehicle mentioned in sub. (2) (a) or (b) is painted as provided in sub. (1), it must also be equipped with flashing red signals of the type specified in s. 347.25 (2). The commissioner may by rule specify the size of lettering for those vehicles mentioned in sub. (2) (b) whose width limitations would make it difficult to comply with sub. (1) (c).

SECTION 14. This act shall take effect on the effective date of chapter 260, laws of 1957 (Bill No. 99, S.) or on the day after publication, whichever occurs later.

Approved August 5, 1957.
