



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2001 Senate Bill 227

**Senate
Amendment 1**

Memo published: September 6, 2001

Contact: Joyce L. Kiel, Senior Staff Attorney (266-3137)

CURRENT LAW

Current law provides that, before operating a school bus in Wisconsin, a Wisconsin resident must have an endorsement issued by the Department of Transportation (DOT) (school bus endorsement) on his or her operator's license. An endorsement is valid for the ***eight-year*** duration of the person's operator's license. Laws relating to school bus endorsements vary depending on a person's age.

In addition to meeting other requirements for ***initial issuance*** of the endorsement, a person who is ***at least 18 but not more 70 years of age*** must pass a physical examination and pass examinations prescribed by DOT to determine the person's ability to operate a school bus. These include a knowledge test and a driving skills test. For ***renewal*** of the endorsement (which occurs at the same time as renewal of the underlying operator's license every eight years), such a person must pass a knowledge test and an abbreviated driving skills test. Administrative rules also provide that, prior to renewal, DOT may require a driver to retake the complete driving school bus test (that is, the test for initial issuance noted above) if the results of the abbreviated skills test lead the examiner to question whether the driver has the ability to exercise ordinary and reasonable control in operating a school bus. In addition, administrative rules provide that the person must pass a vision and hearing screening.

A person ***more than 70 years of age*** must meet all of the requirements listed above before a school bus endorsement may be issued or renewed. In addition, a person more than 70 years of age must provide proof that he or she has passed an annual physical examination. If such proof is not presented, DOT must cancel the person's ***operator's license***, regardless of the license expiration date.

Under current law, DOT may promulgate administrative rules establishing standards for a person who is a resident of Iowa, Illinois, Michigan, or Minnesota to permit the person to be employed as a school bus driver in Wisconsin. This applies only if the person holds a valid operator's license in his or her own state authorizing the operation of a school bus.

2001 SENATE BILL 227

2001 Senate Bill 227 requires school bus operators who are at least **18 but under 70 years of age** to submit proof to DOT, **at least every four years**, that the person has passed: (1) the special examination for initial issuance; and (2) the knowledge test and abbreviated driving skills test for renewal of the school bus endorsement.

Senate Bill 227 requires school bus operators who are **70 or more years of age** to submit proof to DOT, **at least every two years**, that the person has passed these examinations. The bill does not change the requirement in current law that such an operator also must pass an annual physical. However, the bill also applies this requirement to those who are 70 years old. In addition, the bill provides that if proof of passing the annual physical is not submitted, DOT must cancel **only the school bus endorsement**, not the operator's license as under current law.

Senate Bill 227 does **not** explicitly provide that the DOT administrative rules may apply the bill's interim testing requirements to persons who are residents of bordering states and employed to operate a school bus in Wisconsin.

SENATE AMENDMENT 1 TO SENATE BILL 227

Senate Amendment 1 to Senate Bill 227 does the following:

1. Clarification of Interim Tests. Clarifies that the four-year (for 18- to 69-year olds) and two-year (for those 70 or over) interim tests are the tests required under current statutes and administrative rules for **renewal** of a school bus endorsement. Specifically, the amendment does the following:
 - a. Requires that the person pass the tests under s. 343.16 (3) (b), Stats., that is, the knowledge test and an abbreviated driving skills test given for **renewal** of a school bus endorsement. The amendment specifies that the person also must pass a demonstration of driving skills test under s. 343.16 (1) (a), Stats. (that is, the more extensive test given at the time of initial issuance), **if** the DOT or third-party tester deems it necessary to determine the person's ability to operate a school bus safely.
 - b. Requires that the person pass a vision and hearing screening prescribed by DOT.
2. Eliminates Contradictory Statutory Language. Deletes the provision in s. 343.12 (1) (h), Stats., that specifies that DOT may renew a school bus endorsement without retesting licensees under 70 years of age. (This provision contradicts s. 343.16 (3) (b), Stats., which requires testing at renewal.)
3. Third-Party Testing. Specifies that DOT may contract with a third-party tester to conduct the four-year (for 18- to 69-year olds) and two-year (for those 70 or over) interim tests.
4. Residents of Bordering States. Specifies that DOT administrative rules may apply the bill's interim testing requirements to persons who are residents of bordering states and employed to operate a school bus in Wisconsin.

The Senate Committee on Insurance, Tourism, and Transportation recommended adoption of Senate Amendment 1 on a vote of Ayes, 5, Noes, 0. The committee then recommended passage of the bill, as amended, on a vote of Ayes, 5, Noes, 0.

JLK:tl;wu