



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2005 Assembly Bill 169	Senate Substitute Amendment 1
<i>Memo published:</i> May 5, 2005	<i>Contact:</i> Don Salm, Senior Staff Attorney (266-8540)

Senate Substitute Amendment 1 relates to the operation of double-decked buses on certain highways.

GENERAL PROHIBITION RELATING TO DOUBLE-DECKED BUSES

Current Law

Current law (s. 194.32, Stats.) prohibits the operation *on public highways* of interurban motor buses that are double-decked. “*Double-decked*” means that passengers are carried on an upper level throughout the length of the bus over passengers on a lower level throughout the length of the bus.

Senate Substitute Amendment 1

The substitute amendment limits the complete prohibition on operation of double-decked motor buses to those of a *soft-top* or open-roof design. *Under the exception* created in the substitute amendment (and discussed below), “*double-decked bus*” is defined to mean a motor bus designed to carry passengers on an upper level throughout the length of the bus over passengers on a lower level throughout the length of the bus *and the roof of which is permanently enclosed with rigid construction and extends throughout the length of the bus* (hard-top, closed-roof design).

DOUBLE-DECKED BUSES: EXCEPTION TO GENERAL HEIGHT LIMITATION IF CERTAIN CONDITIONS MET; LIABILITY OF OWNER

Current Law

Current law imposes size, weight, and load limits on vehicles that travel on the highways. The Department of Transportation and local authorities may issue certain permits authorizing the permittee to operate a vehicle that exceeds these limits on vehicle size, weight, or load. No person, without a

permit, may operate on a highway any motor vehicle having an overall height in excess of 13 feet 6 inches (s. 348.06 (1), Stats.).

Senate Substitute Amendment 1

The substitute amendment creates an exception to the general vehicle height limitation if certain conditions are satisfied. Under the bill, double-decked buses with a hard-top, closed-roof design having an ***overall height not exceeding 14 feet 5 inches*** may be operated without a permit for excessive height upon a highway if:

1. The highway (any highway ***except a state trunk highway, but including a connecting highway***) has a speed limit of ***45 miles per hour or less***; and

2. If the vehicle owner or operator has, prior to the vehicle's operation, obtained ***written approval*** for such operation and for the vehicle's route ***from the local authority*** with jurisdiction over the highway on any highway on which the vehicle will be operated. A local authority may not approve the operation of a vehicle under this subsection on a highway under its jurisdiction unless all of the following apply:

- a. The local authority has received a copy of the vehicle's proposed route, ***inspected the route***, and verified that there is at least 6 inches of height clearance between the vehicle and any overhead structure or obstruction, including any utility line, on all parts of the route.
- b. The vehicle owner has ***agreed, in writing, to assume liability*** for any personal injury or property damage resulting from the vehicle's striking of any overhead structure or obstruction, including any utility line, regardless of whether the personal injury or property damage occurs on an approved route.
- c. The local authority has ***inspected the vehicle*** and verified that the sign required below is displayed.

A vehicle specified above must conspicuously display, in the operator's area of the vehicle, ***a sign*** informing the operator that operation of the vehicle on any highway that is not part of a route approved by the local authority (see above) is unlawful.

A local authority ***may, for any reason, deny approval for the operation*** of a vehicle under this new provision, or ***deny approval of any route*** regardless of whether the requirements set forth above are satisfied, on any highway under the local authority's jurisdiction.

A local authority that has approved operation of a vehicle under this subsection shall, with respect to any route approved for every such vehicle, ***inspect the approved route at least once each year***. If the inspection reveals that the clearance requirements are no longer satisfied, the local authority shall revoke the route approval, but may approve an alternative route that complies with the clearance requirements.

A local authority may ***delegate*** to any department, division, official, or employee of the local authority the responsibility for issuing approvals, conducting inspections, or carrying out any other duty specified under this subsection.

The substitute amendment specifies that if the bill is enacted into law, the new law *first applies* to motor vehicles operated on the effective date of the new law.

Legislative History

On April 5, 2005, the Assembly passed the bill, as amended by Assembly Substitute Amendment 1, on a vote of Ayes, 97; Noes, 1.

On May 4, 2005, the Senate Committee on Natural Resources and Transportation introduced and adopted Senate Substitute Amendment 1 to 2005 Assembly Bill 169 on a vote of Ayes, 4; Noes, 0. The committee then recommended passage of the bill, as amended, on a vote of Ayes, 5; Noes, 0.

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