



August 22<sup>nd</sup>, 2023

Members of the Senate Committee on Judiciary and Public Safety

**Testimony on 2023 Senate Bill 313**

*Relating to: increased penalties for failing to stop for a school bus*

Thank you, Chairman Wanggaard, and other members of the committee, for hearing Senate Bill 313 today. This bill aims to help better ensure the safety of our roads, and most importantly, the safety of our children.

According to the 2023 survey done by the National Association of State Directors of Pupil Transportation Services on illegal passing of a school bus, 286 of the 977 Wisconsin school bus drivers reported an illegal passing in a single day. If that's just one day, just imagine what that number is for the entire school year. The Wisconsin School Bus Association estimates the annual school year impact is 592,000 illegal passes. Although this is just an estimate, that is over half a million potential safety hazards every year. Not to mention, a good portion of these incidents go unreported if the bus driver cannot catch the license plate of the car before it's too late.

Under current law, vehicles are required to stop at least 20 feet away when approaching a school bus that is stopped on a street or undivided highway while displaying its flashing red warning lights. The current penalty for not doing so can range from \$30 to \$300. SB 313 would increase the range of the potential forfeiture to \$300 to \$1000. It would also add to the WI DOT demerit point system for licenses, requiring DOT impose a 3 demerit point penalty on any individual violating this law.

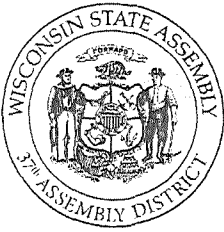
The consequences of this violation should match the potential severity of the danger it can cause. According to National Highway Traffic Safety Administration, from 2012 to 2021 there were 206 school-age children who died in school-transportation-related crashes, 55 of which were pedestrians struck by another vehicle. In May of this year, a student from the School District of Reedsburg in Sauk County was struck and killed by a pickup truck who failed to slow down in time while approaching a stopped school bus. It's tragedies like this one that show us we need to be doing better for our kids.

We cannot eliminate accidents completely, but we should be trying everything we can to reduce the possibility of them. While there are other steps we can take to help solve this issue, like improving drivers' education and retention, deterring individuals from making reckless decisions and making sure the punishment matches the crime when they do is one we can take today. Thank you for listening, and I am happy to take any questions.

Respectfully,

A handwritten signature in black ink, appearing to read "Jesse James".

Senator Jesse James  
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**August 22, 2023**

**Senate Committee on Judiciary and Public Safety**

**Testimony from Rep. William Penterman in favor of SB 313**

Thank you, Chairman Wanggaard, for holding a public hearing on Senate Bill 313, and thank you to members of the committee for taking the time to hear my testimony.

Each year, hundreds of schoolchildren are killed or seriously injured by impatient and irresponsible drivers who fail to yield to stopped school buses. A 2022 survey of school bus drivers found that 40 percent of respondents from Wisconsin (nearly 900 drivers) reported being illegally passed at least once a year.

Wisconsin law (Wis. Stat. 346.48) requires vehicles to stop when approaching a school bus that is stopped on a street or undivided highway while displaying its flashing red warning lights. The current penalty for violating this law (Wis. Stat. 346.49) is a forfeiture in the range of \$30 to \$300. State law specifies that a school bus passing violation cannot result in a license suspension.

The penalty for these violations has not increased since the State Budget Act 27 in 1983. This bill increases the minimum fine from \$30 to \$300, increases the maximum fine from \$300 to \$1,000. By increasing the fee we are putting the fine in line with inflation and thus making sure that there remains an incentive to drive carefully around school buses.

Thank you again for your time and consideration of SB 313. I hope you will join Senator James and me in supporting this legislation.



# WISCONSIN SCHOOL BUS ASSOCIATION

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Testimony of the Wisconsin School Bus Association  
IN SUPPORT OF SB313  
Before the Senate Committee on Judiciary and Public Safety  
August 22, 2023

Good morning Chair Wanggaard, Vice-Chair Jacque, and members of the Committee. My name is Cherie Hime, Executive Director for the Wisconsin School Bus Association (WSBA) that represents more than 200 members including commercial operators, school districts, and suppliers to the school bus industry. I am here today to speak in support of SB313.

The Association's objective is to promote and encourage safety in school bus transportation in Wisconsin. Each year, schoolchildren are killed or seriously injured by impatient and irresponsible drivers who fail to yield to stopped school buses. On May 12, in Reedsburg, WI, a student's life was taken while trying to board their stopped school bus. Investigators determined the driver did not slow down, swerved right to avoid the school bus, sideswiped the bus, and struck the student.

This year the National Association of State Directors of Pupil Transportation Services' (NASDPTS) annual illegal passing survey reported 66% of school bus drivers experienced vehicles illegally passing their stopped school bus. In Wisconsin, 30% of participating school bus drivers witnessed a vehicle illegally passing. Adjusting for 100% of Wisconsin licensed school bus drivers, the **annual school year impact is at least 627,000 illegal passings in a 180-day school year.**

The National Highway Traffic Safety Administration (NHTSA) created a Guide to Reducing the Illegal Passing of School Buses utilizing various survey data from mid-1990. The report noted that the goal to reduce stop-arm violations must be two-pronged involving Education/Awareness and Enforcement. Studies have shown that, without the threat of enforcement and without the public actually seeing or hearing about the law being enforced (this includes prosecution and conviction), a program to reduce illegal passing will have little, if any impact.

Increasingly, states are taking a harder stance on this issue and have escalated fines and penalties for illegally passing a stopped school bus. Wisconsin penalties for this violation have not changed since 1983. This bill to increase fines and penalties is wholly supported and long past due.

To ensure the current penalty is maintained, if not increased, WSBA would prefer an amendment that would change the bill language to reflect the current demerit points assessed by Wisconsin DOT, which is four, as a minimum. WSBA supports increasing the penalties and fines for harmful acts of illegally passing a stopped school bus.

WSBA thanks Representatives Penterman and Johnson, and Senator James for their leadership introducing this bill as well as all co-sponsors for supporting changes to help with the increasing problem of illegal school bus passing.

Thank you for the opportunity to testify today.

Cherie A. Hime  
Executive Director