



# School Bus Equipment, Operation, and Transportation Safety

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State law defines a school bus as a motor vehicle capable of carrying 10 or more passengers in addition to the operator to or from school, curricular or extracurricular activities, or religious instruction on a day school is in session, or children with disabilities to an approved educational program. In addition to any requirements in federal or state law, the state Department of Transportation (DOT) has authority to issue rules on the design, construction, inspection, and operation of a school bus.<sup>1</sup>

## PLACING A BUS IN SERVICE

A potential buyer of a vehicle must notify the seller of the buyer's intent to use the vehicle as a school bus. The seller must then obtain a presale inspection of the vehicle to determine compliance with current school bus design and construction requirements. If the seller foregoes that inspection, the seller is liable to the buyer for the cost of any repairs or improvements needed to bring the vehicle into compliance.<sup>2</sup>

A school board must file with DOT a certificate of insurance showing coverage for the school board and for the owner and operator of a school bus, and may allow the bus to be used to transport persons other than pupils of the district.<sup>3</sup>

## REQUIRED MARKINGS, LIGHTS, AND RELATED EQUIPMENT

The body of a school bus must be painted in a shade of yellow known as national school bus glossy yellow and be marked with the words "School Bus" in letters of a specified size. It must have at least four flashing red lights, two in the front and two in the rear, and if manufactured after December 31, 2004, must also be equipped with at least four flashing amber lights, two in the front and two in the rear.<sup>4</sup>

In order to ensure that the operator can see a child crossing in front of the bus when it has come to a stop, the bus must have a retractable crossing gate on the front of the bus. The gate, when extended, prevents a child from crossing in close proximity to the bus. In addition, a school bus must have a retractable stop signal arm that extends when the bus is completely stopped.<sup>5</sup>

If a school bus will be at any time registered for use on the road in another capacity, its owner must repaint it a different color, remove any lights and markings identifying it as a school bus, and perform any other alterations as required by DOT.<sup>6</sup>

## USE OF FLASHING COLORED LIGHTS

The use of flashing lights by a school bus will depend on how the bus is equipped and where it is being operated.

If a bus has flashing red lights only, the operator generally must activate them at least 100 feet before stopping to load or unload passengers. The operator must leave the lights on until the loading or unloading process is complete and any passengers needing to cross a highway are safely across.<sup>7</sup>

If a bus has both flashing red and flashing amber lights, the operator generally must activate the amber lights at least 300 feet before stopping (if in a 45 m.p.h. or greater speed zone) or at least 100 feet before stopping (if in a less than 45 m.p.h. speed zone). After the bus has come to a stop, the red lights must replace the amber lights.<sup>8</sup>

In either case, a school bus stopping behind another stopped school bus with its flashing red lights in use must also use its flashing red lights.<sup>9</sup>

The operator of a school bus may not activate the flashing lights in certain areas, including in a residence or business district with a sidewalk and curb on both sides of the road. A unit of local government, however, may enact an ordinance requiring the use of flashing lights in such a situation if there are no traffic signals at the stop and pupils must cross the road to board the bus or after exiting the bus.<sup>10</sup>

## OPERATOR REQUIREMENTS

A person desiring to operate a school bus must be 18 years of age or older and, generally, 70 years of age or younger, and must possess the physical ability to operate the features of the bus. The operator generally must also have a valid operator's license with a school bus endorsement either from Wisconsin or, if a nonresident, from a neighboring state. In order to obtain the school bus endorsement in Wisconsin, an operator must undergo a criminal history search of state Department of Justice records. The operator must be found to have no record of conviction for certain traffic-related offenses within two years of seeking the endorsement, or for certain serious criminal offenses, within five years of seeking the endorsement.<sup>11</sup>

In order to safeguard pupils, state law authorizes a school bus operator to administer certain medicine and emergency care to passengers.<sup>12</sup>

## TRAFFIC SAFETY AND PENALTIES

Except when approaching a bus on the opposite side of a divided highway, the driver of another vehicle must stop not less than 20 feet from a bus displaying flashing red lights. If the bus is stopped at an intersection for loading or unloading passengers on the right side of the bus and is in a location where the use of flashing red lights is prohibited, a driver approaching from behind may pass to the left of the bus at a safe distance. A driver may not, however, turn right in front of that bus.<sup>13</sup>

The penalty for illegally passing a bus displaying flashing red lights is a civil forfeiture of between \$500 and \$1,000, and the owner of the vehicle may be held liable for the fine even if another person was driving the vehicle at the time. A law enforcement officer need not witness an illegal passing in order to issue a citation. Instead, the bus operator may report a violation within 24 hours containing the time of the illegal passing, approximate location, and license plate number, color, and type of vehicle.<sup>14</sup>

Within 48 hours of receiving a complete report, a traffic officer may issue a traffic citation to the owner of the vehicle. The penalty for such a citation is the same as if the driver were stopped at the scene, but the driver's license may not be revoked or suspended and no demerit points can be added to the driver's record. If the report lacks any of the required information, the relevant county or municipality retains the report for statistical purposes only.<sup>15</sup>

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<sup>1</sup> ss. 110.06 (2) and 340.01 (56), Stats.; ch. Trans 300, Wis. Adm. Code.

<sup>2</sup> s. 110.06 (3) (a), (b), and (c), Stats.

<sup>3</sup> ss. 120.13 (27) and 121.53 (4), Stats.

<sup>4</sup> s. 347.44 (1), Stats.; s. Trans 300.54 (1) (a) 1. and 1 m., Wis. Adm. Code.

<sup>5</sup> s. 347.445, Stats.; s. Trans 300.64, Wis. Adm. Code.

<sup>6</sup> s. 347.44 (4), Stats.

<sup>7</sup> s. 346.48 (2) (a) 1., Stats.

<sup>8</sup> s. 346.48 (2) (a) 2., Stats.

<sup>9</sup> s. 346.48 (1), Stats.

<sup>10</sup> ss. 346.48 (2) (b) and 349.21 (1), Stats.

<sup>11</sup> s. 343.12, Stats.

<sup>12</sup> s. 118.29 (2) and (3), Stats.

<sup>13</sup> s. 346.48 (1) and (3), Stats.

<sup>14</sup> ss. 346.485 and 346.49 (2), Stats. Also, the driver is assessed four demerit points. [s. 343.32 (2) (bL), Stats.]

<sup>15</sup> ss. 346.485 and 346.49 (3), Stats.