

State of Misconsin 2009 - 2010 LEGISLATURE

2009 ASSEMBLY BILL 352

July 28, 2009 – Introduced by Representatives KRAMER, PASCH, KERKMAN, PETERSEN, TOWNSEND, LEMAHIEU, A. OTT, JORGENSEN, NEWCOMER, SPANBAUER, POPE-ROBERTS, GUNDERSON and GUNDRUM, cosponsored by Senators KEDZIE and DARLING. Referred to Committee on Transportation.

1 AN ACT to repeal 346.485 (4) (b); and to consolidate, renumber and amend 2 346.485 (4) (a) and (c) of the statutes; relating to: vehicle owner liability for a 3 vehicle's failure to stop as required for a school bus.

Analysis by the Legislative Reference Bureau

Current law generally requires the driver of a vehicle approaching a school bus that is stopped on a highway and that is displaying flashing red warning lights to stop the vehicle not less than 20 feet from the bus and to remain stopped until the bus resumes motion or the school bus operator extinguishes the warning lights.

Current law also imposes liability on the owner of a vehicle that fails to stop as required for a school bus displaying flashing red warning lights (failure-to-stop violation). If a school bus operator observes a failure-to-stop violation, the school bus operator may prepare a written report that includes specified information. Within 24 hours after the violation, the school bus operator may deliver this report to a traffic officer of the county or municipality in which the failure-to-stop violation occurred. Within 48 hours after receiving the report, the traffic officer may prepare a uniform traffic citation for the owner of the vehicle that failed to stop and may personally serve it on the owner. If with reasonable diligence the owner cannot be personally served, substitute service may be made by leaving a copy of the citation at the owner's usual place of abode with a family member at least 14 years of age. If with reasonable diligence the owner cannot be personally served and substitute service cannot be accomplished, or if the owner lives outside of the jurisdiction of the law enforcement agency issuing the citation, service may be made by certified mail

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addressed to the owner's last-known address. Certain defenses may be asserted against owner liability for the failure-to-stop violation. The owner of a vehicle involved in a failure-to-stop violation may be required to forfeit not less than \$30 nor more than \$300, but is not subject to the suspension or revocation of his or her operating privilege or the assessment of any demerit points on his or her driving record.

Under this bill, the initial service of a citation for being the owner of a vehicle involved in a failure-to-stop violation may be made by personally serving the citation on the vehicle owner or by serving the citation by certified mail addressed to the owner's last-known address.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 SECTION 1. 346.485 (4) (a) and (c) of the statutes are consolidated, renumbered

2 346.485 (4) and amended to read:

3 346.485 (4) Within 48 hours after receiving a report containing all the 4 information in sub. (2), the traffic officer may prepare a uniform traffic citation under 5 s. 345.11 and may personally serve it upon the owner of the vehicle. (c) If with 6 reasonable diligence the owner cannot be served under par. (a) or (b) or if the owner 7 lives outside of the jurisdiction of the issuing authority, service may be made by or 8 serve it upon the owner by certified mail addressed to the owner's last-known 9 address.

10 SECTION 2. 346.485 (4) (b) of the statutes is repealed.

- 11 SECTION 3. Initial applicability.
- 12 (1) This act first applies to violations occurring on the effective date of this13 subsection.
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(END)