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REGULATION OF MOTOR VEHICLES APPROACHING SCHOOL BUSES

THE PROBLEM

For several years the problem of the proper regulation of motor vehicles approaching school buses has been discussed in Wisconsin. The information on the subject is sparse, and not brought together in any compact form. It is the purpose of this bulletin to provide some of the pertinent information on the matter.

Twice a day from September to June some 2,200 publicly and privately operated school buses transport more than 100,000 Wisconsin youngsters over the public highways to and from school. There is every indication that this number will increase for some time to come. The state, by reason of the fact that it compels most of these children to go to school, has an obligation to take adequate precautions that the child is returned to the home safely each day.

Although it might be assumed that a reasonably prudent person would proceed cautiously to cross a road after alighting from a school bus, or other vehicle, experience indicates that even adults, to say nothing of effervescent youngsters, do not always take reasonable care. It would likewise be assumed that any person projecting a high-powered modern vehicle down a public highway would proceed with caution in the vicinity of a school bus, but experience indicates that there are people who either because of mental lapses, callous disregard of the potential dangers or lack of understanding of the capabilities of the vehicles they are supposedly controlling meet and pass school buses with less than proper caution.

The problem is that of establishing enforceable rules regarding meeting and passing school buses especially when they are stopped to load or unload passengers. The current attempts to solve this problem vary in degree of strictness from the Wisconsin law on one hand to the uniform law on the other. Wisconsin law now merely provides in sections 85.16 (12) and 85.40 (1) (f) that a driver slow down to 15 miles per hour when approaching a school bus which is loading or unloading. Some states require that vehicles stop only when approaching the stopped school bus from the rear. Some states permit a driver to proceed with caution once he has stopped. Some states require a vehicle going in either direction to stop for a school bus which is loading or unloading, and in the most rigorous laws there is an additional requirement that the vehicles remain stationary until the bus resumes its trip or the bus driver signals the vehicle to proceed.

In addition to the question of the general policy to be adopted regarding the regulation of motor vehicles approaching school buses, there are many details which need to be clarified if effective regulation is to result. Because many clearly identifiable school buses are used for other purposes and some vehicles used for the transportation of school children are not clearly identified, there is a problem of defining a vehicle for which a stop or slow down must be made. The laws of the states vary in their interpretation of what constitutes a stop or a proper slow down. Does a vehicle always stop when approaching a stopped school bus? Does it stop on signal? Does it stop and then proceed? Does it proceed only when signalled? If a driver fails to stop, is the offense of similar gravity to failure to stop at an arterial or to run a stop light, or is it a matter of greater gravity? This report contains the text of various laws illustrating how some of these problems of detail are handled elsewhere.

WHAT OTHER STATES ARE DOING ABOUT IT.

47 states have restrictions on vehicles passing a school bus while loading or unloading. (1) South Dakota alone has no law.

In 40 states vehicles traveling in either direction must stop when approaching a school bus stopped to unload or load passengers. In 4 of these states, Iowa, Minnesota, New Hampshire and Pennsylvania, the vehicle need not stop unless signalled. In 2 states, Delaware and Florida, stopped vehicles cannot proceed until signalled to do so. In Massachusetts and Oklahoma drivers may proceed immediately after stopping. In California, Delaware, New Jersey and Oregon the requirement to stop when approaching in either direction does not apply when approaching from the opposite side of a divided highway. In some cases the driver is specifically prohibited from proceeding until either the school bus proceeds or the bus driver signals the driver to proceed. In a few cases the requirement to stop is specially restricted to rural areas.

4 states, Colorado, Kansas, Utah and Wisconsin, require only a reduced speed in passing. This varies from 20 miles per hour in Utah to 15 in Wisconsin and 10 in Colorado and Kansas.

In 3 states, Connecticut, Maine and Michigan, vehicles are required to stop only when approaching from the rear of the bus.

We turn now to the specific legislation proposed and enacted in various states to show the precise context of different legislative proposals and enactments.

In 1948 the National Conference on Street and Highway Safety revised the proposed uniform traffic code in collaboration with the National Conference of Commissioners on Uniform State Laws. Section 109.5 of Article XIII relates to overtaking and passing school bus. It provides:

"Sec. 109.5 Overtaking and passing school bus.--(a) The driver of a vehicle upon a highway outside of a business or residence district upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus and shall not proceed until such school bus resumes motion, or until signaled by the driver to proceed.

(b) Every bus used for the transportation of school children shall bear upon the front and rear thereon a plainly visible sign containing the words 'school bus' in letters not less than 8 inches in height. When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school all markings thereon indicating 'school bus' shall be covered or concealed. (2)

(1) American Automobile Assn., Digest of Motor Laws, 1951, 18th edition.

(2) It is highly desirable that every school bus have an adequate stop signaling device in addition to the standard stop light. Studies are now being made to determine the most effective device for this purpose. Meanwhile a number of States are now using flashing red lights and others are using semaphore signals. At present, sec. 146 (b) and (c) would prohibit the use of such flashing red lights on a school bus unless amended.

(c) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway."(3)

Substantial variations exist among the states surrounding Wisconsin in the nature of their laws relating to stopping when approaching a school bus. 4 of them require stops by vehicles going in either direction and one requires a stop when a vehicle overtakes the bus. The conditions described in the laws vary in detail. The Illinois law provides as follows:

"Section 29-12. OTHER DRIVERS TO STOP WHEN BUS RECEIVING OR DISCHARGING CHILDREN. The driver of a vehicle upon meeting or overtaking any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall immediately stop his vehicle and shall not pass such bus while children are alighting therefrom and embarking thereon.

This section shall not be applicable unless the school bus bears upon the front and rear thereof a plainly visible sign containing the words 'School Bus' in letters not less than 4 inches in height which can be removed or covered when the vehicle is not in use as a school bus." (School Code of Illinois, 1951, pp. 283-4)

The Indiana law is essentially the same as the provisions of the first paragraph of the Illinois law, but an additional paragraph dispenses with the stop if the highway is divided by a parkway or dividing strip and the bus is in the opposite side. (See 47-2131, 2132 Burns Annotated Statutes, 1951)

The Iowa law is a much more detailed regulation of the actions of both the bus driver and the vehicle driver. It provides:

"321-372. DISCHARGING PUPILS-REGULATIONS. 1. The driver of any school bus used to transport children to and from a public school shall, when stopping to receive or discharge pupils, turn on the flashing stop warning signal lights at a distance of not less than 300 feet, nor more than 500 feet from the point where said pupils are to be received or discharged from the bus. At the point of receiving or discharging pupils the driver of the bus shall bring the bus to a stop and extend the stoparm. After receiving or discharging pupils, the bus driver shall turn off the flashing stop warning lights, retract the stoparm and then proceed on the route. No school bus shall stop to load or unload pupils unless there is at least 300 feet of clear vision in each direction.
2. All pupils shall be received and discharged from the right front entrance of every school bus and if said pupils must cross the highway, they shall be required to pass in front of the bus, look in both directions, and proceed to cross the highway only on signal from the bus driver.

(3) National Conference on Street and Highway Safety, Uniform Act Regulating Traffic on Highways, 1948, p. 28.

3. The driver of any vehicle when meeting a school bus on which the stop warning signal lights are flashing shall reduce the speed of said vehicle to not more than 20 miles per hour, and shall bring said vehicle to a complete stop when school bus stops and stop signal arm is extended and said vehicle shall remain stopped until stoparm is retracted after which driver may proceed with due caution.

The driver of any vehicle overtaking a school bus shall not pass a school bus when flashing stop warning signal lights are flashing and shall bring said vehicle to a complete stop not closer than 15 feet of the school bus when it is stopped and the stoparm extended, and shall remain stopped until the stoparm is retracted and school bus resumes motion or until signalled by the driver to proceed.

This section shall not apply to business and residence districts but shall apply in suburban districts of cities and towns."
(Iowa Code Annotated, 1951)

Section 285 of the Michigan vehicle code (1949) which applies only to vehicles overtaking a school bus provides:

"(285) SCHOOL BUS, OVERTAKING AND PASSING. Sec. 682. (a) The driver of a vehicle shall not overtake and pass any school bus proceeding in the same direction, which bus has stopped for the purpose of receiving or discharging passengers. All school buses shall contain such signs on the back and front thereof, with respect thereto, as shall be approved by the state highway commissioner.

(b) The driver of a vehicle overtaking any school bus which has stopped for the purpose of receiving or discharging any passenger shall bring such vehicle to a full stop at least 10 feet in the rear of such school bus and then proceed with caution: Provided, That at an intersection where traffic is controlled by an officer or a traffic stop-and-go signal a vehicle need not be brought to a full stop before passing any such school bus, but may proceed past such school bus at a speed not greater than is reasonable and proper and in no event greater than 10 miles an hour and with due caution for the safety of passengers being received or discharged from such school bus: Provided, however, This section shall not be applicable to buses inside incorporated cities or villages."

The Minnesota law more nearly conforms to the uniform law. It provides in section 169.44 as follows:

"169.44 PASSING SCHOOL BUSES. Subdivision 1. Stop on signal. The driver of a vehicle upon a highway outside of a business or residence district, upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school child or children, shall stop the vehicle immediately upon the extension of a stop signal arm by the school bus driver and shall remain stopped until the school bus driver retracts the stop signal arm, but may then proceed with due caution for the safety of such children. Every school bus shall be equipped with a stop signal arm which shall be used only when the school bus is stopped on a highway for the purpose of receiving or discharging any school child or children.

Subd. 2. Sign on bus. This section shall be applicable only in the event the school bus shall bear upon the front and rear thereof a plainly visible sign containing the words 'school bus' in letters not less than six inches in height, which can be removed or covered when the vehicle is not in use as a school bus.

Subd. 3. Divided roadway. The driver of a vehicle upon a highway with divided roadways need not stop upon meeting or passing a school bus which is upon a different roadway." (Minn. Motor Vehicle and Traffic Laws, 1951)

WHAT HAS WISCONSIN DONE ABOUT REGULATION ON SCHOOL BUS TRANSPORTATION?

1. Proposed legislation relating to meeting and overtaking school busses stopped to load and unload

Until 1939 there was no attempt in Wisconsin to regulate the speed or other conduct of vehicles meeting or overtaking school busses stopped to load or unload passengers. In that year 2 bills were introduced in the assembly seeking to provide some measure of safety in this respect. Bill 464, A. required a driver of an overtaking vehicle to stop behind a school bus loading or unloading and to remain stationary until the pupils had either loaded or safely alighted from the bus. Bill 763, A. required all vehicles approaching or passing a stopped school bus to reduce speed to 20 miles per hour. It also provided that busses be marked "School Bus." 464, A. failed to pass in the assembly and 763, A. was withdrawn and returned to the author.

No further legislation on the subject was proposed until 1945 when 6 bills were introduced. Bills 67, A., 77, A. and 80, A. required vehicles meeting or overtaking any school bus to stop not less than 10 feet short of the bus and remain stationary until all pupils were received or safely discharged from the bus. All these bills were withdrawn.

Bill 70, A. of 1945 prohibited a driver from passing a school bus stopped on a highway to load or unload pupils. Bill 128, A. required vehicles meeting or overtaking a school bus stopped to receive or discharge passengers to stop before reaching the bus but permitted the driver to proceed past the bus at a speed not to exceed 5 miles an hour after he had stopped.

Bill 201, S. which became Chapter 359, Laws of 1945 (section 85.16 (12) of the statutes) provided merely that the driver of a vehicle upon meeting or overtaking a school bus stopped to receive or discharge pupils should approach or overtake the bus at a speed not to exceed 15 miles an hour.

Efforts were made in the 1949 and 1951 sessions to tighten the provisions of section 85.16 (12). In 1949 Bill 7, S. amended the statutes so as to require a driver meeting or overtaking a school bus stopped to load or unload to come to a complete stop, after which he could proceed with caution. This bill passed the senate, but was nonconcurrent in by the assembly. Bill 43, A. introduced in 1951 repealed section 85.16 (12) and recreated the section to require a

driver of a vehicle meeting or overtaking a school bus stopped to receive or discharge pupils to come to a complete stop, after which he could proceed at a speed not exceeding 10 miles per hour. 43, A. passed the assembly by a close vote, 48-40, but was nonconcurrent in by the senate. Bill 368, A. of the 1951 session amended the existing section by providing that when the driver of a stopped school bus extended a stop sign, traffic approaching from either direction would stop and remain stationary until the sign was lowered. This bill was indefinitely postponed due to sine die adjournment.

2. Qualifications and licensing of school bus drivers

The first law on the subject, Chapter 618, Laws of 1911, provided that the driver of a school bus "shall be of good moral character, trustworthy and responsible, and shall furnish a safe team and suitable and comfortable bus or wagon..." Chapter 255, Laws of 1941, created section 40.34 (3) of the statutes which provided that the Commissioner of the Motor Vehicle Department adopt and enforce rules and regulations to cover the design, construction, inspection and operation of school busses. Under this authority the school bus regulations, MVD 208, have been promulgated. Chapter 417, Laws of 1945, created section 85.08 (3a) which provided for school bus operator's license. An applicant for such license must be over 21 years of age and the holder of an ordinary driver's license. This was amended by Chapter 295, Laws of 1949, to require that no driver's license shall be issued to a person who is without the natural use of both hands or without the use of the foot normally employed to operate the foot brake and accelerator and who fails to pass the state driving examination.

3. Inspection of school busses prior to sale

Chapter 99, Laws of 1951, created section 40.036 of the statutes requiring the inspection of school busses prior to sale and certificates of compliance with the regulations of the Motor Vehicle Department.

4. Color of school busses

Chapter 287, Laws of 1939, required all school busses to be painted red, white and blue in a particular manner. This law was continued until 1949 when by Chapter 47, the law was changed to require the use of National School Bus Chrome, the color in use in all but 2 states at the time.

5. Compulsory insurance on school busses

Beginning in 1937 with Chapter 290 of the session laws of that year which created section 40.345 of the statutes, a series of laws were enacted providing for compulsory insurance on school busses. They were Chapter 290, Laws of 1939, Chapter 573, Laws of 1947 and Chapter 311, Laws of 1949. The basic law today provides coverage of \$10,000 per person for bodily injury and \$5,000 property damage. The coverage for any accident is graduated from \$30,000 to \$100,000 as the capacity of the bus increases from 6 persons to a maximum of 49.

6. Loading and unloading

Chapter 157, Laws of 1949, created section 40.065 requiring a safety zone for loading and unloading school busses at schools outside city and village limits. These safety zones are to be off the highway. The law gives the bus driver necessary police powers to safeguard the pupils in loading and discharging. The law requires that he alight before discharging or receiving pupils at the safety zone, and that while at the stops on his route, he shall exhibit the vehicle's stop sign.

7. Stopping at railroad crossings

Section 85.92 (2) of the statutes requires school busses among other vehicles to come to a full stop 20-40 feet before reaching a grade crossing with the main line tracks of any railroad or inter-urban railway company.

PERSONS AGE 0-19 KILLED OR INJURED IN SCHOOL BUS ACCIDENTS AND
IN ALL AUTOMOBILE ACCIDENTS IN WISCONSIN, 1941-1951(1)

Year	SCHOOL BUS ACCIDENTS		T O T A L A C C I D E N T S T O Y O U N G S T E R S							
	Fatal	Non- Fatal	Ages 0-4		Ages 5-9		Ages 10-14		Ages 15-19	
			Fatal	Non- Fatal	Fatal	Non- Fatal	Fatal	Non- Fatal	Fatal	Non- Fatal
1941	1	7	26	334	70	947				
1942	1	4	18	219	24	342	11	300	59	836
1943	1	1	20	142	32	269	17	213	39	637
1944	0	5	22	210	27	421	21	309	64	1,011
1945	0	11	15	327	27	471	16	364	61	1,174
1946	0	25	24	587	33	912	22	703	63	2,035
1947	2	19	30	576	33	942	16	661	77	2,097
1948	1	15	34	597	32	918	17	674	123	1,961
1949	3	21	30	549	34	821	24	524	75	1,608
1950	1	33	48	666	39	951	20	598	82	1,817
1951	0	35	28	708	23	977	20	648	90	1,902

Although the safety record compiled in school bus transportation is commendable, the susceptibility of youngsters to accidents is illustrated by the large number of children killed and injured in automobile accidents each year. 9 students were killed in school bus accidents from 1941-1951, and 186 injured. This is an exceedingly small proportion of those killed and injured in all automobile accidents.

(1) Wisconsin Motor Vehicle Department, Motor Vehicle Traffic Accident Analysis for 1941-51.

FACTORS TO CONSIDER IN DEVELOPING AN ADEQUATE STATUTE RELATING TO THE REGULATION OF MOTOR VEHICLES APPROACHING A SCHOOL BUS LOADING OR UNLOADING PASSENGERS

1. Should the vehicle be required to slow down or to stop? 43 states require the vehicle to stop. 4 require it to slow down.
2. Should the law apply to vehicles approaching the school bus from either direction, or apply only to those meeting the bus or approaching the bus? The restriction applies to vehicles approaching from either direction in 44 states and to vehicles approaching the bus from the rear in 3 states.
3. Should the law apply to vehicles meeting the school bus on a divided highway? Most state laws are silent on this issue. At least 4 states specifically except such vehicles.
4. Should the law apply whenever a school bus is stopped on the highway, when it is actually loading or unloading passengers or only when it signals vehicles to stop? Most laws are silent on the subject, but 4 states require stops only on signal.
5. How long should a vehicle be required to stop? At least 2 states permit vehicles to proceed immediately after stopping while at least 2 states require them to remain stationary until signalled to proceed or the bus starts.
6. How should the signal to stop be given? Some states require a mechanical or electric signalling device on both the front and back of the bus or visible from ahead and behind the bus.
7. In what areas should the requirement to stop be applicable. In some states the rule applies in areas outside commercial and residential areas. This does not adapt itself to easy identification. In other states the rule applies in what in Wisconsin would be the areas outside the incorporated cities and villages. This is more nearly capable of interpretation.
8. When is a vehicle a school bus for purposes of applying these regulations? Obviously all vehicles which transport students are not school busses. Common carriers, station wagons and passenger vehicles may be used to transport students. It is suggested that vehicles, other than common carriers and regular school busses which meet the requirements of section 40.347 of the statutes should be required to carry temporary signs described by rules of the Motor Vehicle Department on the front and rear bumpers when actually transporting pupils and that such signs be removed or covered when the vehicle is not actually engaged in such transportation. Many laws require a stop only if bus is plainly marked "school bus" and require all such signs to be covered when the vehicle is used for other purposes.
9. What penalty should be imposed for the offense of failure to stop? If the law is changed to remove the restriction on speed and to create a new subdivision of the statutes, the existing penalties would not apply. Some determination must be made as to whether failure to stop is an offense similar to failure to stop at an arterial or an offense of greater gravity.