

1132 STOPPED SCHOOL BUS: POSITION ON HIGHWAY

A school bus when loading or unloading passengers must be stopped with its flashing red warning lights activated and must be stopped on the traveled portion of the highway as near as practicable to the right-hand edge of the lane farthest to the right which is improved, designed, or ordinarily used for vehicular travel excluding the berm or shoulder.

While the law provides that a school bus while loading or unloading with flashing red warning lights activated must stop on the traveled portion of the highway, nevertheless the law requires the school bus driver to use ordinary care to determine whether the stop can be safely made on the paved or traveled portion of the roadway of the highway. The driver is required to take into account such factors as weather, atmospheric conditions of visibility, conditions of the surface of the highway, the topography and the course of the highway, the visibility of the bus to oncoming traffic, and any and all other conditions and circumstances as would be taken into account by a reasonable school bus driver acting under the same or similar circumstances.

COMMENT

This instruction and comment were approved in 1977 and revised in 1990, 1992, and 2008.

Wis. Adm. Code Trans. § 300.16(8); Wis. Stat. § 346.48(2); Alden v. Matz, 8 Wis.2d 485, 477, 488, 99 N.W.2d 757 (1959); Verbeten v. Huettl, 253 Wis. 510, 514, 34 N.W.2d 803 (1948).