

1133 SCHOOL BUS: FLASHING RED WARNING LIGHTS

A Department of Transportation regulation provides that a school bus shall be equipped with 2 red warning lamps at the rear, and 2 red warning lamps at the front of the bus which shall be controlled by a manually (actuated) activated switch, which lamps shall flash alternately to inform other users of the highway that the vehicle is stopped or about to stop on the highway to take on or discharge school children. These red warning lamps shall be visible from a distance of at least 500 feet to the front and to the rear of the bus in bright sunlight. There shall be a visible or audible means of giving clear or unmistakable indication to the bus driver when the signalling system is turned on.

A safety statute provides that the operator of a school bus equipped with flashing red warning lights shall activate the lights at least 100 feet before stopping to load or unload pupils or other authorized passengers and shall not extinguish the lights until loading or unloading is completed and persons who must cross the highway are safely across.

A failure to comply with the regulation and safety statute is negligence.

COMMENT

This instruction and comment were approved in 1977 and revised in 2008. The comment was updated in 1990.

Wis. Adm. Code Trans § 300.16(6); Wis. Stat. § 346.48(1); Alden v. Matz, 8 Wis.2d 485, 99 N.W.2d 757 (1959); Verbeten v. Huettl, 253 Wis. 510, 34 N.W.2d 803 (1948).

If the bus was stopped in a special school bus loading area where the bus is entirely off of the traveled portion of the highway, or it is stopped in a residence or business district when passengers are to be loaded or unloaded where a sidewalk and curb are laid on both sides of the road, no flashing red warning lights are required to be activated as provided in Wis. Stat. § 346.48(2)(b)1, 2. It may be that if the bus were so stopped in the excepted places, some consideration might be given to instructing on the absence of the requirement of activating the flashing lights just to negate any possibility that some juror would come to the conclusion that the driver was negligent because he or she wasn't displaying his or her flashing lights.