

## CHAPTER 110

## MOTOR VEHICLES

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**110.001 Definitions.** In this chapter:

(1) "Department" means department of transportation.

(2) "Secretary" means secretary of transportation.

History: 1977 c. 29.

**110.01 Definitions.** Words and phrases defined in chs. 340 to 349 have the same meaning in this chapter unless a different meaning is expressly provided or the context clearly indicates a different meaning.

History: 1975 c. 120.

**110.015 Facsimile signature.** The secretary and division administrators of the department of transportation, through their authorized employees, may execute or affix their signature, by facsimile signature with a stamp, reproduction print or other similar process to all licenses, notices, orders, administrative letters, contracts, permits, offers to purchase, appraisals, certifications of records, service of legal papers or process on the administrators, and other legal instruments under the statutes which the secretary and division administrators are authorized or required to administer.

**110.05 Inspection of human service vehicles.** (1) The department shall adopt and enforce such rules as the department deems necessary in the interests of the safety of persons being transported to cover the design, construction, equipment, inspection and operation of human service vehicles.

(2) The owner of the human service vehicle shall have the vehicle inspected at least annually by the department or a certified law enforcement officer for compliance with the requirements of s. 110.075, ch. 347 and any rules promulgated under this section.

(3) Vehicles required to be inspected under sub. (2) which were in service prior to March 28, 1984, need only be in compliance with the requirements of ch. 347, 1981 stats.

(4) Any person violating this section, or rules promulgated pursuant thereto, may be required to forfeit not less than \$50 nor more than \$200.

History: 1983 a. 175 ss. 2, 25.

**110.06 Rules; school bus presale inspection; penalties.**

(2) The secretary shall adopt and enforce such rules as he or she deems necessary in the interests of safety to cover the design, construction, inspection and operation of school buses. Such rules may, but need not, be uniform for each type of bus designated in s. 340.01 (56) (a) and (am).

(3) (a) Any person intending to purchase a motor vehicle to be used as a school bus shall prior to purchase give the seller notice in writing of the intended use.

(b) Prior to the use of a motor vehicle as a school bus, the seller shall obtain a presale inspection of the vehicle by the department verifying compliance with the rules relating to design and construction prescribed by the department under

sub. (2). A copy of the presale inspection report shall be provided to the purchaser at the time of delivery.

(c) The seller of any such vehicle who fails to obtain a presale inspection prior to delivery shall be liable to the purchaser for all repairs and improvements required by the department to bring the vehicle into compliance with the rules relating to design and construction prescribed by the department under sub. (2) for a period of one year after the delivery.

(d) Notwithstanding par. (b), the purchaser may agree to obtain the presale inspection provided that notice of the agreement is included in the offer to purchase and is agreed to by the seller. The seller is liable for any repairs and improvements necessary to comply with the rules relating to design and construction prescribed by the department under sub. (2).

(e) Any person violating par. (b) shall forfeit \$100 for the first offense and \$200 for the 2nd and each subsequent offense.

(4) Violations of those orders, determinations and rules pertaining to chs. 115 to 118, 120, 121 and 341 to 349 shall be punished as provided by s. 341.04 (3) and those pertaining to ch. 194 as provided by s. 194.17.

(5) The orders, determinations and rules made by the secretary are subject to review in the manner provided in ch. 227.

History: 1975 c. 429; 1977 c. 29 ss. 1047, 1654 (7) (a), (c); 1977 c. 325; 1979 c. 154; 1983 a. 175, 538; 1985 a. 287.

**110.063 Inspection of motor buses.** (1) The department shall promulgate and enforce such rules as the department deems necessary in the interests of the safety of persons being transported to cover the design, construction, equipment, inspection and operation of motor buses.

(2) (a) Except as provided in par. (c), the owner of the motor bus shall have it inspected annually by the department for compliance with the requirements of s. 110.075 and ch. 347 and rules promulgated thereunder and any rules promulgated under this section.

(b) The department shall specify by rule a fee for the inspection required under this subsection equal to the cost of the inspection.

(c) Paragraph (a) does not apply to a motor bus which is operated by an urban mass transit system, as defined in s. 85.20 (1) (L), if all of the following conditions are satisfied:

1. The urban mass transit system regularly inspects the motor bus at least annually.

2. The urban mass transit system submits the record of inspection of the motor bus to the department annually for examination.

3. Review of the record of inspection of the motor bus by the department indicates that the motor bus is in compliance with the requirements of s. 110.075 and ch. 347 and rules

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promulgated thereunder and any rules promulgated under this section.

(3) Any person who violates this section or rules promulgated under this section may be required to forfeit not less than \$50 nor more than \$200.

History: 1987 a 235

**110.064 Motor buses used for pupil transportation.** (1) (a) Notwithstanding s. 340.01 (56) (b) 4, no motor bus operated under contract as provided in s. 121.55 (1) (a) or (d) may be used for the purpose of transporting pupils to or from a public or private school as provided in s. 340.01 (56) (a) 1 and no motor bus otherwise operated on a special route for the purpose of transporting pupils to or from a public or private school as provided in s. 340.01 (56) (a) 1 may be used for that purpose unless the motor bus satisfies safety and operation standards specified by the department under par. (b).

(b) The department shall promulgate and enforce a rule requiring that a motor bus under par. (a) satisfy safety standards providing an equivalent level of safety as the safety standards specified by the department for a school bus having the same gross vehicle weight rating and operation standards specifying that the rear door of a motor bus under par. (a) may not be used for the entry or exit of pupils, except in an emergency, except that the department may not promulgate a rule which is in conflict with federal law, which requires the motor bus to be painted in accordance with s. 347.44 (1) or which requires the motor bus to be equipped with flashing red warning lights as specified in s. 347.25 (2).

(2) Any person who violates this section or rules promulgated under this section may be required to forfeit not less than \$50 nor more than \$200.

History: 1987 a 235

**110.065 Traffic academy.** The secretary may establish and operate an academy for the training of state, county and local traffic patrol officers and other related personnel and make rules and regulations for the conduct thereof. The secretary shall establish and periodically revise a reasonable scale of tuition charges. The tuition for personnel other than employees of the department shall be paid by their respective departments or governing bodies and shall be deposited in the transportation fund. The secretary shall consult appropriate state, county and local authorities concerning the establishment and operation of the academy and the determination of tuition charges. State agencies shall cooperate with the secretary in providing information and instructional services for the academy.

History: 1977 c. 29 s. 1654 (1), (7) (a), (c)

**110.07 Traffic officers; powers and duties.** (1) (a) The secretary shall employ not to exceed 385 traffic officers. Such traffic officers, in addition to the person designated to head them whose position shall be in the classified service, shall constitute the state traffic patrol, and shall:

1. Enforce and assist in the administration of this chapter and chs. 166, 194, 218, 341 to 349 and 351, and ss. 23.33, 125.07 (4) (b), 125.085 (3) (b), 159.81 and 167.31 (2) (b) to (d) and ch. 350 where applicable to highways, or orders or rules issued pursuant thereto.

2. Have the powers of sheriff in enforcing the laws specified in subd. 1 and orders or rules issued pursuant thereto.

3. Have authority to enter any place where vehicles subject to this chapter, ss. 159.81 and 167.31 (2) (b) to (d) and chs. 194, 218 and 341 to 350 are stored or parked at any time to examine such vehicles, or to stop such vehicles while en route at any time upon the public highways to examine the same and make arrests for all violations thereof.

(b) All municipal judges, judges, district attorneys and law enforcement officers shall assist in enforcing this chapter, ss. 159.81 and 167.31 (2) (b) to (d) and chs. 194, 218 and 341 to 351, and orders or rules issued pursuant thereto and shall report to the department the disposition of every uniform traffic citation issued for cases involving those chapters.

(2) The traffic officers employed pursuant to this section shall constitute a state traffic patrol to assist local enforcement officers wherever possible in the regulation of traffic and the prevention of accidents upon the public highways.

(2m) In addition to the primary powers granted by subs. (1) and (2), any officer of the state traffic patrol, while on duty, may arrest when he or she believes, on reasonable grounds, that a warrant for a person's arrest has been issued in this state, that a felony warrant has been issued in another state or that the person is committing or has committed a crime within 24 hours before the arrest. The state traffic patrol shall cause the person arrested to be delivered to the chief of police or the sheriff in the jurisdiction where the arrest is made along with the documents and reports pertaining to the arrest. A state traffic officer shall at all times be available as a witness for the state but shall not conduct investigations for crimes under chs. 939 to 948. The primary duty of a state traffic officer shall be the enforcement of chs. 340 to 351 or of any other law relating to the use or operation of vehicles upon the highway. No state traffic officer shall be used in or take part in any dispute or controversy between employer or employe concerning wages, hours, labor or working conditions; nor shall any such officer be required to serve civil process.

(3) The secretary may employ inspectors who may not wear the uniform of the state patrol, whose duties shall be to enforce and assist in administering s. 346.63, this chapter and chs. 194, 218, 340 to 345 and 347 to 351, s. 23.33, the inspection requirements of s. 121.555 (2) (b) and the requirements under s. 346.45 (4) for vehicles being used to transport hazardous materials. Such inspectors, in the performance of these duties, shall have the powers and authority of state traffic officers. For the purpose of death, disability and retirement coverage, such inspectors shall be subject to ch. 40 as is the state traffic patrol. The secretary may clothe and equip inspectors as the interest of public safety and their duties require.

(4) In addition to the primary powers granted by sub. (3), any inspector, while on duty, may arrest when he or she believes, on reasonable grounds, that a warrant for a person's arrest has been issued in this state, that a felony warrant has been issued in another state or that the person is committing or has committed a crime within 24 hours before the arrest. The inspector shall cause the person arrested to be delivered to the chief of police or the sheriff in the jurisdiction where the arrest is made along with the documents and reports pertaining to the arrest. An inspector shall at all times be available as a witness for the state but shall not conduct investigations for crimes under chs. 939 to 948. The primary duty of an inspector shall be the enforcement of the provisions specified in sub. (3). No inspector may be used in or take part in any dispute or controversy between employer or employe concerning wages, hours, labor or working conditions; nor may an inspector be required to serve civil process.

History: 1971 c. 40, 125; 1973 c. 90, 146; 1975 c. 297; 1977 c. 29 ss. 1048, 1654 (7) (a), (c), 1656 (43); 1977 c. 305 s. 64; 1977 c. 418; 1979 c. 221; 1979 c. 333 s. 5; 1979 c. 361 s. 113; 1981 c. 96 s. 67; 1981 c. 390; 1983 a. 27; 1983 a. 175 s. 33; 1983 a. 191 s. 6; 1985 a. 29, 36, 63, 332; 1987 a. 332 s. 64; 1989 a. 31, 167, 170, 240, 335, 359

**110.075 Motor vehicle inspection.** (1) No person shall drive or move, or cause or knowingly permit to be driven or moved, on any highway any vehicle or combination of

vehicles which is not in conformity with the requirements of this section.

(2) When directed by any traffic officer or motor vehicle inspector, the operator of any motor vehicle shall stop and submit such motor vehicle to an inspection and such tests as are necessary to determine whether it meets the requirements of this section, or that its equipment is not in proper adjustment or repair, or in violation of the equipment provisions of ss. 110.05, 110.06, 110.063 and 110.064, ch. 347, or rules issued pursuant thereto. Such inspection shall be made with respect to the brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust system, windshield wipers, tires, and other items of equipment designated by the secretary.

(3) Upon determining that a motor vehicle is in conformity with sub. (2), traffic officers or motor vehicle inspectors shall issue to the operator an official inspection sticker which shall be in such form as the secretary prescribes. The official inspection sticker issued following an inspection shall exempt the inspected vehicle from vehicle inspection for a period of one year.

(4) When any motor vehicle is found to be unsafe for operation, traffic officers or motor vehicle inspectors may order it removed from the highway and not operated, except for purposes of removal and repair, until it has been repaired pursuant to a repair order as provided in sub. (5).

(5) When any motor vehicle is not in compliance with sub. (2) a repair order may be issued, in such form and containing such information as the secretary prescribes, to the owner or driver of the motor vehicle. The owner or driver shall thereupon obtain such repairs as are required.

(6) The secretary shall set standards and adopt rules to establish a plan of inspection to implement the inspection program provided by this section.

(7) Any person producing, manufacturing or using an inspection sticker or causing the same to be done to subvert the provisions of this section shall forfeit not less than \$100 nor more than \$500. Any persons otherwise violating this section, s. 110.06, ch. 347 or rules issued pursuant thereto, unless otherwise provided by statute, shall forfeit not less than \$10 nor more than \$200.

**History:** 1973 c. 90; 1977 c. 29 ss. 1049, 1654 (7) (c); 1977 c. 273, 325; 1979 c. 154; 1983 a. 175; 1987 a. 235.

**110.08 State operator's license examiner system.** (1) The department shall employ a sufficient number of operator's license examiners. The department may contract for specialists in driver's license examining to augment the department's training program for examiners.

(2) Except as provided under s. 343.16 (1) (a) 3 [343.16 (1) (c)], all examinations for operator's licenses and permits shall be given by state examiners.

**NOTE:** S. 343.16 (1) (a) 3 was renumbered 343.16 (1) (c) by 1989 Wis. Act 105.

(3) The department shall employ state examiners, driver improvement personnel and clerical personnel at local examining centers, under the classified service.

(4) The department shall employ, train and assign sufficient driver improvement personnel to carry out an intensive driver improvement program including the reexamination and personal interview of problem drivers.

**History:** 1971 c. 164; 1977 c. 29 ss. 1050, 1654 (7) (a); 1989 a. 31.

**110.20 Motor vehicle emission inspection and maintenance program.** (1) **DEFINITIONS.** In this section, unless the context requires otherwise:

(a) "Federal act" means the federal clean air act, as amended, on May 11, 1980 (42 USC 7401 et seq.) and

regulations issued by the federal environmental protection agency under that act.

(b) "Nonexempt vehicle" means any motor vehicle as defined under s. 340.01 (35) which is owned by the United States or which is required to be registered in this state and to which one or more emission limitations adopted under s. 144.42 (2) applies.

(c) "Nonfleet vehicle" means any nonexempt vehicle except a motor vehicle owned or leased by a person holding a fleet emissions inspection station permit under sub. (14).

(2) **PROGRAM ESTABLISHED.** (b) The department shall establish an inspection and maintenance program as provided in this section.

(3) **PURPOSE.** (a) The inspection and maintenance program shall be designed to determine compliance with the emission limitations promulgated under s. 144.42 (2).

(b) The inspection and maintenance program may be designed to determine compliance with s. 144.42 (6) for any nonexempt vehicle which, upon inspection under sub. (6) or (6m), is determined not to comply with one or more applicable emissions limitations.

(c) The inspection and maintenance program may be designed to provide information on the fuel efficiency of nonexempt vehicles.

(4) **DEPARTMENTAL COOPERATION.** The department shall consult and cooperate with the department of natural resources in order to efficiently and fairly establish and administer the program established under this section.

(5) **COUNTIES.** The department shall operate the inspection and maintenance program in each of the following counties:

(a) Any county identified in a certification under s. 144.42 (3). The department shall terminate the program in the county at the end of the contractual period in effect when the county is withdrawn under s. 144.42 (4).

(b) Any county whose board of supervisors has adopted a resolution requesting the department to establish an inspection and maintenance program in the county for the purpose of improving ambient air quality beyond the standards mandated by section 7409 of the federal act. The department shall terminate the program in the county at the end of the contractual period in effect when the county board adopts a resolution requesting termination of the program.

(6) **MANDATORY INSPECTIONS.** The inspection and maintenance program shall require an annual inspection of any nonexempt vehicle customarily kept in a county identified in sub. (5). The inspection shall be performed:

(a) Within 90 days prior to renewal of annual registration for any motor vehicle required to be registered in this state.

(b) Annually for motor vehicles registered under s. 341.26 (2m) and for motor vehicles owned by the United States.

(6m) **TAMPERING INSPECTIONS.** In addition to the other requirements of this section, the inspection and maintenance program shall require random inspections of not less than 5% annually of nonexempt vehicles subject to sub. (6) to determine compliance with s. 144.42 (6). This subsection does not apply until the department renews or renegotiates a contract under sub. (8) (f).

(7) **VOLUNTARY INSPECTIONS.** The inspection and maintenance program shall require inspection of any nonexempt vehicle which a person presents for inspection at an inspection station.

(8) **CONTRACTORS.** (a) The emissions inspections of non-fleet vehicles shall be performed by persons under contract with the department. The contract shall require the contractor to operate inspection stations for a minimum of 5 years and shall provide for equitable compensation to the contractor if the operation of an inspection and maintenance pro-

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gram within any county is terminated within 5 years after the inspection and maintenance program in the county is begun. No officer, director or employe of the contractor may be an employe of the department or a person engaged in the business of selling, maintaining or repairing motor vehicles or of selling motor vehicle replacement or repair parts. The department shall require the contractor to operate a sufficient number of inspection stations, permanent or mobile, to ensure public convenience in those counties identified under sub. (5).

(b) The department may require the contractor to test the fuel efficiency of nonfleet vehicles during emission inspections.

(c) The department may delegate to the contractor specified registration functions of the department under ch. 341. The department may direct the contractor to perform specified registration functions under ch. 341.

(cm) The department may delegate to the contractor functions associated with the issuance of the temporary waiver certificate under sub. (10) (b) or the waiver of compliance under sub. (13) (a) or both.

(d) No inspection station may be established within 0.5 mile of an air monitoring station which reported a violation during the period from 1976 to 1979 of the carbon monoxide primary national ambient air quality standard as defined by the department of natural resources.

(e) The contractor shall collect, maintain and report data as the department requires. The department shall reserve the right to enter and inspect test station premises, equipment and records at all reasonable times in the discharge of its administrative duties. The department of revenue shall audit the records of the contractor annually and shall provide for the publication of the results of audits conducted under this paragraph in the official state newspaper.

(f) When the department renews or renegotiates a contract under par. (a) in effect on August 1, 1987, the department shall require in the renewed or renegotiated contract that the contractor perform the inspections under sub. (6m).

**(9) RULES.** The department shall promulgate rules which:

(a) Specify procedures for the inspection of vehicles, including the method of measuring emissions, the types of equipment which may be used in performing the measurements and the calibration requirements for the equipment. The procedures and methods shall be capable of being correlated with the federal test procedures established under section 7525 of the federal act.

(b) Prescribe a procedure for determining whether the cost of necessary repairs and adjustments exceeds the limit under sub. (13).

(c) Specify procedures under which a vehicle may be refused inspection for safety reasons or for defects which would result in inaccurate measurement of emissions.

**(10) RECIPROCITY; TEMPORARY CERTIFICATE.** The department may promulgate rules which:

(a) Authorize the acceptance of an inspection performed in another state instead of an inspection required under this section if the inspection in the other state was performed under procedures, requirements and standards comparable to those required under this section and it satisfies the requirements of the federal act.

(b) Authorize the issuance of a temporary waiver certificate, valid for not more than 30 days, to allow time for inspection and necessary repairs and adjustments of any motor vehicle subject to inspection under sub. (6).

**(10m) REINSPECTION.** The owner of a nonexempt vehicle inspected under this section is entitled, if the inspection

determines that any applicable emission limitation is exceeded, to one reinspection of the same vehicle at any inspection station within this state if the reinspection takes place within 30 days after the initial inspection or the owner presents satisfactory evidence that the repairs and adjustments which were performed on the vehicle could not have been made within 30 days of the initial inspection.

**(11) INSPECTION TESTS; RESULTS.** (a) The contractor shall perform the idle test or engine restart idle test required under 40 CFR subpart W to determine compliance with applicable emission limitations for carbon monoxide and hydrocarbons. In addition, the contractor shall perform a loaded test if the idle test or engine restart idle test shows that the motor vehicle does not comply with one or more applicable emissions limitations and the motor vehicle is suitable for loaded testing as determined by the department, unless the person presenting the vehicle for inspection refuses the loaded test. The department may require the contractor to provide information on the fuel efficiency of the motor vehicle as part of a loaded test.

(b) The department shall require the contractor to furnish the results of the inspection testing in writing to the person presenting the vehicle for inspection before he or she departs from the testing station. If the inspection shows that the vehicle does not comply with one or more applicable emissions limitations, the results shall include, to the extent possible, a description of the noncompliance and, if a loaded test was performed, the adjustments or repairs likely to be needed for compliance.

**(12) REPAIRS.** Repairs or adjustments necessary to bring a vehicle into compliance with applicable emissions limitations are the responsibility of the vehicle owner and may be made by the owner or any person selected by the owner.

**(13) REPAIR COST LIMIT.** (a) If the estimated cost of repairs and adjustments necessary to bring a vehicle inspected under sub. (6) into compliance with all applicable emissions limitations exceeds the repair cost limit or the model year of the vehicle is more than 10 years prior to the year of inspection, the department shall issue a waiver of compliance, valid for one year, if the owner presents satisfactory evidence to the department that a low-emissions adjustment under par. (d) has been performed on the vehicle within 90 days prior to renewal of annual registration. The department shall issue a waiver of compliance valid for one year without requiring a low-emissions adjustment under par. (d) if the owner presents satisfactory evidence to the department that the actual costs of repairs performed on a vehicle in accordance with an inspection report under sub. (11) (b) exceeded the repair cost limit.

(b) The repair cost limit is \$55.

(c) In determining the costs of repairs and adjustments included in the repair cost limit, the following costs shall be excluded:

1. Costs covered by any warranty.
2. Costs necessary to repair or replace any emissions control system or mechanism which has been removed, dismantled or rendered inoperative in violation of s. 144.42 (6) or rules promulgated under that section.

(d) A low-emissions adjustment consists of performing the following procedures on a warmed-up vehicle:

1. Inspect and clean or replace spark plugs and repair or replace spark plug wires as required.
2. Inspect for dirty or plugged air cleaner and replace or repair as required.
3. Inspect and adjust choke or equivalent components as required.

4. With the air filter installed, check the idle speed and mixture of air and fuel according to manufacturer's specifications and adjust if necessary.

5. Check the dwell angle, if applicable, and timing according to manufacturer's specifications, adjust and replace points as required.

6. Check the positive crankcase ventilation valve for correct operation, verify free flow through the positive crankcase ventilation system passages and hoses and repair or replace system parts as required.

7. Check vacuum hoses for leaks and repair or replace as required.

8. Make final adjustments in idle speed and the mixture of air and fuel according to manufacturer's specifications, if necessary.

(e) As the technology of motor vehicle design advances, the department may by rule specify alternate low emissions adjustment procedures for the functional equivalents of the equipment or components identified in par. (d).

**(14) FLEET INSPECTION PERMITS.** (a) Any owner or lessee of at least 15 motor vehicles subject to inspection under sub. (6) may apply to the department for a permit to establish a fleet emissions inspection station.

(b) The department shall issue a fleet emissions inspection station permit if the department determines that the applicant:

1. Maintains and repairs the fleet vehicles on a regular basis;

2. Has available the equipment and trained personnel required to perform idle mode emissions inspections in accordance with the procedures promulgated under sub. (9) (a); and

3. Agrees to maintain and report to the department data required by rule of the department and to permit agents of the department to enter and inspect the test station premises, equipment and records at all reasonable times.

(c) A person holding a fleet emissions inspection station permit shall provide for the emissions inspection of each fleet vehicle subject to inspection under sub. (6) and shall report the results of the inspection to the department as required by its rules. A person holding a fleet emissions inspection station permit may not certify compliance of nonfleet vehicles with applicable emissions limitations.

**History:** 1979 c. 274; 1981 c. 20; 1983 a. 27; 1987 a. 27, 218; 1989 a. 56

**110.21 Education and training related to motor vehicle emissions.** The department shall conduct a program of public education related to the motor vehicle emission inspection and maintenance program established under s. 110.20 (6) and the tampering inspection program under s. 110.20 (6m). The program under s. 110.20 (6) may include a pilot project of motor vehicle emissions inspections for those owners who elect to present their motor vehicles for inspection.

**History:** 1979 c. 274; 1987 a. 27.

**110.99 Council on traffic law enforcement. (1)** Members of the council on traffic law enforcement shall be reimbursed for their actual and necessary expenses in the performance of their duties from the appropriation under s. 20.395 (4) (aq).

**(2)** The council shall make recommendations to the governor for better utilization of enforcement agencies, equipment and communications; shall designate the reports to be filed with it by such agencies and shall report to the governor any proposals for changes in the law which it believes will bring about a better overall enforcement effort.

**(3)** The council may inspect and examine the records of any enforcement agency and may call upon any enforcement officer or supervisor of any officer or group of enforcement officers for advice or information.

**History:** 1971 c. 42; 1973 c. 333 s. 201w; 1977 c. 29 s. 1656 (43); 1979 c. 34 s. 2102 (52) (a); 1985 a. 29 s. 3202 (51).