

c. 660 s. 53; 1961 c. 12; 1963 c. 145; 1965 c. 1, 10, 218; 1969 c. 55; 1969 c. 276 s. 584 (1) (a); 1969 c. 358.

In a case of merger of corporations, the transferee was not a "successor" under 108.16 (8) (a) where the transferring employer had not employed the required number of employes for the required period of time. *Progressive Fine Art Co. v. Industrial Comm.* 265 W 170, 60 NW (2d) 711.

Under 108.16 (8) (a) the words "transfer of any of the assets" were not intended to apply to a situation where the carrier had lost a customer to a competitor and sold the competitor nothing but a license which was useless to the carrier but of some small value to the competitor, and therefore the competitor was not entitled to any part of the selling carrier's unemployment reserve account. *Barry Cartage v. Industrial Comm.* 1 W (2d) 52, 83 NW (2d) 135.

**108.161 History:** 1957 c. 235; Stats. 1957 108.161; 1959 c. 572; 1963 c. 145; 1965 c. 10, 231; 1965 c. 659 s. 24 (3); 1967 c. 26; 1969 c. 276 s. 584 (1) (a); 1969 c. 335.

**108.17 History:** Spl. S. 1931 c. 20 s. 2; 1933 c. 186 s. 3; Stats. 1933 s. 108.17; 1935 c. 192; 1937 c. 95 s. 3; 1941 c. 288; 1943 c. 177; 1945 c. 354; 1953 c. 433; 1965 c. 389; 1969 c. 276 ss. 411, 584 (1) (a).

**108.18 History:** Spl. S. 1931 c. 20 s. 2; Stats. 1933 s. 108.18; 1935 c. 192, 446; 1937 c. 95 s. 4; 1937 c. 343; 1939 c. 186, 372; 1941 c. 288; 1943 c. 181; 1945 c. 354; 1947 c. 527; 1951 c. 532; 1955 c. 527 s. 19 to 22; Spl. S. 1958 c. 1; 1961 c. 12; 1963 c. 145; 1965 c. 10 ss. 18, 19, 20, 27; 1969 c. 276 s. 584 (1) (a); 1969 c. 358.

**108.19 History:** Spl. S. 1931 c. 20 s. 2; Stats. 1933 s. 108.19; 1935 c. 192; 1943 c. 177, 181; 1955 c. 366 s. 21; 1961 c. 12; 1969 c. 276 s. 584 (1) (a).

**108.20 History:** Spl. S. 1931 c. 20 s. 2; Stats. 1933 s. 108.20; 1935 c. 446; 1937 c. 95 s. 4; 1939 c. 186; 1947 c. 527; 1957 c. 235 s. 19, 20; 1957 c. 672; 1959 c. 61; 1961 c. 12; 1963 c. 145; 1965 c. 231; 1965 c. 433 ss. 99, 121; 1967 c. 291 s. 14; 1969 c. 276 ss. 412, 584 (1) (a).

Travel expense of members of the industrial commission in administering the unemployment compensation law is chargeable to the unemployment administration fund created by 108.20 and 20.573, Stats. 1935. 26 Atty. Gen. 154.

**108.21 History:** Spl. S. 1931 c. 20 s. 2; Stats. 1933 s. 108.21; 1937 c. 343; 1941 c. 288; 1969 c. 276 s. 584 (1) (a).

**108.22 History:** Spl. S. 1931 c. 20 s. 2; Stats. 1933 s. 108.22; 1937 c. 95 s. 2; 1937 c. 343; 1941 c. 288; 1945 c. 354; 1947 c. 527; 1953 c. 433; 1957 c. 235; 1969 c. 276 s. 584 (1) (a).

The claim of the industrial commission against the estate of a bankrupt for contributions is entitled to priority over the claim of the United States for income taxes on the ground that the commission is a "judgment creditor" while the United States has only a lien. *U. S. v. Industrial Comm.* 168 F (2d) 639.

**108.23 History:** Spl. S. 1931 c. 20 s. 2; 1933

c. 383 s. 4; Stats. 1933 s. 108.23; 1935 c. 192; 1937 c. 95 s. 2; 1941 c. 288; 1955 c. 366 s. 21.

Unemployment compensation payments due from a bank prior to the time it was closed and taken over by the banking commission constitute preferred claims in liquidation by the terms of 108.23, Stats. 1937. 27 Atty. Gen. 769.

**108.24 History:** Spl. S. 1931 c. 20 s. 2; Stats. 1933 s. 108.24; 1935 c. 192; 1937 c. 95 s. 2; 1939 c. 186; 1941 c. 288; 1957 c. 235; 1969 c. 276 s. 584 (1) (a).

**108.26 History:** 1935 c. 446; Stats. 1935 s. 108.26; 1937 c. 343; Stats. 1937 s. 108.26.

## CHAPTER 110.

### Motor Vehicles.

**110.015 History:** 1969 c. 322; Stats. 1969 s. 110.015.

**110.06 History:** 1939 c. 410; Stats. 1939 s. 110.06; 1943 c. 375 s. 45; 1943 c. 420; 1943 c. 553 s. 27; 1955 c. 10 s. 101; 1955 c. 221 s. 42; 1957 c. 260 s. 24; 1957 c. 514; 1965 c. 131, 228; 1967 c. 92 s. 22; 1969 c. 336; 1969 c. 500 s. 30 (3) (c), (d), (g), (h), (i).

The commissioner of the motor vehicle department has power to prescribe an administrative procedure for determining whether exemptions under a reciprocity agreement entered into under ch. 267, Laws 1947, shall be granted or denied. 37 Atty. Gen. 105.

**110.065 History:** 1957 c. 652; Stats. 1957 s. 110.065; 1969 c. 500 s. 30 (3) (g), (h).

**110.07 History:** 1939 c. 410; Stats. 1939 s. 110.07; 1941 c. 285; 1943 c. 229; 1949 c. 437, 628; 1953 c. 326; 1955 c. 10, 397; 1957 c. 260 s. 25; 1957 c. 652; 1957 c. 672 s. 62; 1957 c. 673; 1959 c. 682 s. 6, 7; 1961 c. 430; 1963 c. 6, 318; 1965 c. 232, 396; 1967 c. 257; 1967 c. 276 s. 39; 1967 c. 292; 1969 c. 158 s. 106; 1969 c. 336; 1969 c. 392 s. 47g; 1969 c. 500.

The state traffic officers appointed pursuant to 110.07, Stats. 1945, may be denominated as state traffic police and cars operated by them in the performance of their official duties may be identified by an insignia carrying those words. 34 Atty. Gen. 420.

The state traffic patrol has no authority to make complaints and testify in actions for violation of county or local traffic ordinances. 43 Atty. Gen. 36.

Neither the commissioner nor the director of the division of inspection and enforcement of the motor vehicle department has the power of arrest conferred on the officers of the state traffic patrol by 110.07 (1), Stats. 1953. 44 Atty. Gen. 53.

An officer making an arrest of a truck driver may not seize or hold the truck or its cargo as security for personal appearance, or as bail, or as security for payment of a fine. Seizure of a truck or cargo, or both, under special circumstances is provided by 963.04, 110.10 (11) and 110.16 (3) (b), Stats. 1955. Where, as a consequence of the arrest and detention of a truck driver, the truck and cargo will in effect be held in police custody, such consequence does not militate against the

power of an officer to arrest the driver and hold him to bail. 44 Atty. Gen. 330.

State traffic patrol officers have power to arrest without warrant for all misdemeanor violations of the vehicle code committed in their presence and for violations not committed in their presence, upon probable cause and under the conditions mentioned in 954.03 (1), Stats. 1955. 45 Atty. Gen. 289.

State patrol officers are entitled to charge the same fees for mileage, court appearances, service of papers and like services in state traffic patrol cases, as the sheriff would be entitled to for performing like service. Such fees should be deposited in the highway fund. 47 Atty. Gen. 168.

On the subject of assistance in handling violations of criminal laws, see 47 Atty. Gen. 209 and 56 Atty. Gen. 96.

The state traffic patrol may permit local law enforcement personnel to ride in state patrol squad cars for training purposes, providing the municipality requests that the officers participate in such training. 48 Atty. Gen. 159.

**110.075 History:** 1967 c. 257; Stats. 1967 s. 110.075; 1969 c. 500 s. 30 (3) (a).

**110.08 History:** 1955 c. 226; Stats. 1955 c. 110.08; 1957 c. 260 s. 26; 1957 c. 652, 672, 684; 1961 c. 539; 1963 c. 318; 1965 c. 232; 1969 c. 500 s. 30 (3) (g), (i).

**110.20 History:** 1965 c. 591; Stats. 1965 s. 110.20; 1969 c. 500 s. 30 (3) (g), (h), (i).

**110.99 History:** 1965 c. 232; 1965 c. 432 s. 6; Stats. 1965 s. 15.87; 1967 c. 291 s. 14; 1967 c. 327; Stats. 1967 s. 110.99; 1969 c. 154 s. 377; 1969 c. 500.

## CHAPTER 111.

### Employment Relations.

**111.01 History:** 1939 c. 57; Stats. 1939 s. 111.01.

On exercises of police power see notes to sec. 1, art. I; and on trusts and monopolies see notes to various sections of ch. 133.

On exercises of police power see notes to sec. 1, art. I; and on trusts and monopolies see notes to various sections of ch. 133.

The legislature, in dealing with labor disputes in the employment peace act, 111.01 et seq., and other acts, has recognized a public interest in the relation between employer and employe; and the enactments do not destroy and are not calculated to invade contract rights, but seek to protect the public against unfair labor practices and to foster the continuance of that relation in which the public is interested; and the legislature deals with labor disputes, not primarily as a method of enforcing private rights, but to enforce the public right as well. *Appleton Chair Corp. v. United Brotherhood*, 239 W 337, 1 NW (2d) 188.

111.01 to 111.19 should be liberally construed to secure the objectives stated in the declaration of policy. *Dunphy Boat Corp. v. Wisconsin E. R. Board*, 267 W 316, 64 NW (2d) 866.

Select aspects of the Wisconsin employment peace act. Smith, 45 MLR 338.

The "compelling state interest" exception to the federal preemption doctrine. *Dunaj*, 51 MLR 89.

The Wisconsin employment peace act. *Lampert*, 1946 WLR 193.

A study of the Wisconsin employment peace act; selection of collective bargaining representatives; union security. *Hafer*, 1956 WLR 283 and 481.

**111.02 History:** 1939 c. 57; Stats. 1939 s. 111.02; 1945 c. 424; 1947 c. 530; 1969 c. 276 ss. 413, 593.

Under the employment peace act, a mere finding of the employment relations board that employes picketed their employer's plant without a majority vote by secret ballot to strike does not terminate their employe status for the purposes of the act, and such finding does not require the board to find or order that their employe status was thereby terminated for having committed an unfair labor practice, the act being construed to vest in the board a discretion to determine whether the conduct of an employe or employes shall result in a termination of the employe status. *Appleton Chair Corp. v. United Brotherhood*, 239 W 337, 1 NW (2d) 188.

A nonprofit charitable hospital corporation, as an employer of nonprofessional employes, is subject to the employment peace act, ch. 111, regulating employment relations, so as to be subject to an order requiring it to bargain collectively with a labor union, such an employer not being within the named exceptions in the act, and the act not indicating an intent on the part of the legislature to exempt charitable institutions. *Wisconsin E. R. Board v. Evangelical Deaconess Soc.* 242 W 78, 7 NW (2d) 590.

A matter involving a resident employer and resident employes, under a claim that the employer had violated the state law in respect to unfair labor practices, was within the jurisdiction of the state employment relations board although the employer also had employes without the state. *International B. of E. W. v. Wisconsin E. R. Board*, 245 W 532, 15 NW (2d) 823.

The term "craft," as used in 111.02 (6), Stats. 1945, was intended to comprehend any group of skilled workers whose functions have common characteristics distinguishing them sufficiently from others so as to give such group separate problems as to working conditions for which they might desire a separate bargaining agent. *Ray-O-Vac v. Wisconsin E. R. Board*, 249 W 112, 23 NW (2d) 489.

An employer and a union had the burden to establish their claim that a wrongfully discharged employe had obtained "regular and substantially equivalent employment elsewhere" and hence, was not an "employe" entitled to reinstatement with the former employer, and evidence showing only that the employe presently had a steady job, and was receiving wages substantially more than equivalent to his former wages, and was not sufficient to preclude the employment relations board from ordering his reinstatement, since factors other than wages are to be considered. *Wisconsin E. R. Board v. Plankinton Packing Co.* 255 W 285, 38 NW (2d) 688.