

1989 Assembly Bill 382

Date of enactment: **April 16, 1990**
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1989 WISCONSIN ACT 240

AN ACT to amend 40.02 (48) (am), 40.02 (48) (c) and 110.07 (3); and to create 40.02 (17) (g), 40.65 (4m) and 110.07 (4) of the statutes, relating to: powers, duties and retirement benefits of state motor vehicle inspectors and making an appropriation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 40.02 (17) (g) of the statutes is created to read:

40.02 (17) (g) Notwithstanding par. (d), each participant who is a state motor vehicle inspector hired before January 1, 1968, shall be granted creditable service as a protective occupation participant for all covered service as a state motor vehicle inspector that was earned before, on or after the effective date of this paragraph [revisor inserts date]. Notwithstanding par. (d), each participant who is a state motor vehicle inspector hired on or after January 1, 1968, shall be granted creditable service as a protective occupation participant for all covered service as a state motor vehicle inspector that was earned on or after the effective date of this paragraph [revisor inserts date], but may not be granted creditable service as a protective occupation participant for any covered service as a state motor vehicle inspector that was earned before the effective date of this paragraph [revisor inserts date].

SECTION 2. 40.02 (48) (am) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

40.02 (48) (am) "Protective occupation participant" includes any participant whose name is certified to the fund as provided in s. 40.06 (1) (d) and (dm) and who is a conservation warden, conservation patrol boat captain, conservation patrol boat engineer, conservation pilot, conservation patrol officer, forest fire control assistant, member of the state patrol, state motor vehicle inspector

(if hired prior to January 1, 1968), police officer, fire fighter, sheriff, undersheriff, deputy sheriff, county traffic police officer, state forest ranger, fire watcher employed by the Wisconsin veterans home, state correctional-psychiatric officer, excise tax investigator employed by the department of revenue, special criminal investigation agent in the department of justice, assistant or deputy fire marshal, or person employed under s. 61.66 (1).

SECTION 3. 40.02 (48) (c) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

40.02 (48) (c) In s. 40.65, "protective occupation participant" means a participating employe who is a police officer, fire fighter, an individual determined by a participating employer under par. (a) to be a protective occupation participant, county undersheriff, deputy sheriff, county traffic police officer, conservation warden, state forest ranger, field conservation employe of the department of natural resources who is subject to call for forest fire control or warden duty, member of the state traffic patrol, state motor vehicle inspector, university of Wisconsin system full-time police officer, guard or any other employe whose principal duties are supervision and discipline of inmates at a state penal institution, excise tax investigator employed by the department of revenue, person employed under s. 61.66 (1), or a special criminal investigation agent employed by the department of justice.

SECTION 4. 40.65 (4m) of the statutes is created to read:

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40.65 (4m) A protective occupation participant who is a state motor vehicle inspector hired on or after January 1, 1968, is not entitled to a duty disability benefit under this section for an injury or disease occurring before the effective date of the subsection [revisor inserts date].

SECTION 5. 110.07 (3) of the statutes is amended to read:

110.07 (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, 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.

SECTION 6. 110.07 (4) of the statutes is created to read:

110.07 (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.

SECTION 7. Appropriation changes; transportation. The dollar amounts in the schedule under section 20.005 (3) of the statutes for the appropriation to the department of transportation under section 20.395 (5) (dq) of the statutes, as affected by the acts of 1989, are increased by \$34,300 for fiscal year 1989–90 and by \$137,200 for fiscal year 1990–91 for the purpose of funding the extension of protective occupation status to all motor vehicle inspectors.