



2013 SENATE BILL 678

March 13, 2014 – Introduced by Senator **RISSER**, cosponsored by Representatives **T. LARSON** and **SMITH**. Referred to Committee on Transportation, Public Safety, and Veterans and Military Affairs.

1 **AN ACT** *to create* 66.1022 and 111.70 (4) (md) of the statutes; **relating to:** proof
2 of physical fitness requirement for certain local transit employees.

Analysis by the Legislative Reference Bureau

Under this bill, an individual who is employed by certain mass transit systems as an operator of a bus in revenue service must, on certain occasions, provide the same proof of physical fitness documentation that is required for school bus operators. This requirement is a prohibited subject of collective bargaining. A vehicle is in revenue service when the vehicle is available to members of the general public and there is an expectation of carrying passengers who have paid fares, who have provided payment through a contractual arrangement, or who are subsidized by public funds.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

3 **SECTION 1.** 66.1022 of the statutes is created to read:
4 **66.1022 Proof of physical fitness required for certain transit positions.**
5 **(1)** In this section:

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1 (a) “Proof of physical fitness” means the same documentation that a school bus
2 operator would be required to provide, under rules established by the department of
3 transportation, to satisfy the requirements of s. 343.12 (2) (g).

4 (b) “Revenue service” means the time when a vehicle is available to members
5 of the general public and there is an expectation of carrying passengers who directly
6 pay fares, provide payment through a contractual arrangement, or are subsidized by
7 public funds.

8 (c) “Transit employee” means an employee of a system receiving funding under
9 s. 85.20 if the employee operates a bus in revenue service as part of his or her job.

10 (2) A transit employee shall, as a condition of employment, provide proof of
11 physical fitness to his or her employer at all of the following times:

12 (a) The time of hire.

13 (b) If the employee has not attained the age of 70 years, once every 2 years.

14 (c) If the employee has attained the age of 70 years, every year.

15 (3) An employer of a transit employee shall provide the transit employee with
16 notice of the requirement to provide proof of physical fitness at least 30 days before
17 the proof of physical fitness is due under sub. (2).

18 **SECTION 2.** 111.70 (4) (md) of the statutes is created to read:

19 111.70 (4) (md) *Prohibited subjects of bargaining; transit employees.* The
20 municipal employer is prohibited from bargaining collectively with a collective
21 bargaining unit containing a transit employee with respect to the requirement under
22 s. 66.1022 for transit employees to provide proof of physical fitness.

23 **SECTION 3. Initial applicability.**

