



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2013 Wisconsin Act 291
[2013 Assembly Bill 803]

**Substance Abuse by Utility
Project Employees;
Move Over Slow Down Law**

2013 Wisconsin Act 291 relates to substance abuse by persons working on public utility projects in public rights-of-way.

Current law prohibits substance abuse and related activities by persons working on certain public works projects in public rights-of-way. Current law also requires a contractor or subcontractor working on such projects to have in place substance abuse prevention programs meeting specified criteria. Finally, a contractor or subcontractor working on such a project must remove any impaired worker from the project. A worker who has been removed may return to the project upon meeting specified conditions.

The Act extends these provisions of current law to employers and employees performing work on public utility projects in public rights-of-way. The Act applies in the same manner to projects of public utilities and cooperatives, except that cooperatives are exempt from the requirement to have a substance abuse prevention program in place; the prohibition against on-the-job substance abuse and the requirement that an employer remove an impaired employee from a work site apply to both cooperatives and public utilities under the Act.

Current law also requires a driver to move over or slow down when passing an emergency vehicle, a tow truck, or a highway work vehicle in certain situations, which is referred to as the "move over slow down law." The Act makes this law applicable to vehicles used by public utilities, telecommunications providers, and cooperatives that are displaying flashing warning lights and are parked on or within 12 feet of a roadway.

Effective date: Act 291 took effect on April 18, 2014 and for public utility projects that are subject to bidding, first applies to utility projects for which a request for bids is issued on the effective date of the Act. For public utility projects not subject to bidding, the Act first applies

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

to projects for which the contract is entered into on the effective date of the Act. The Act specifies different applicability provisions for employees affected by certain collective bargaining agreement provisions.

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