

2013 DRAFTING REQUEST

Bill

Received: 9/3/2013 Received By: phurley  
 Wanted: As time permits Same as LRB: -2345  
 For: Paul Tittl (608) 266-0315 By/Representing: Steve  
 May Contact: Drafter: phurley  
 Subject: Courts - immunity liability Addl. Drafters:  
 Extra Copies:

Submit via email: YES  
 Requester's email: Rep.Tittl@legis.wisconsin.gov  
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Civil immunity for recreational aviation

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	phurley 9/3/2013	jdye 9/9/2013	phenry 9/10/2013	_____	mbarman 9/10/2013	mbarman 9/25/2013	

FE Sent For:

None needed

<END>

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/1	phurley	1/9 jld	9/10 ph				

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<END>



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-2045/PZ

PJH:jld:jm

keep

2013 BILL

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

9-3-13

3053/1  
1mmr

4 Regen

- 1 AN ACT *to amend* 895.52 (1) (g) and 895.525 (2) of the statutes; **relating to:**
- 2 limitation of a property owner's liability when lands are used for
- 3 noncommercial aviation.

***Analysis by the Legislative Reference Bureau***

Under current law, a private property owner is not generally liable for injuries sustained by a person engaging in recreational activities on the property. Under current law, a private property owner generally owes no duty to keep the property safe for recreational activities or to give recreational users a warning of an unsafe condition on the property. In order to avoid liability for injuries sustained by a person engaging in a recreational activity, the private property owner may not accept payment of more than \$2,000 in one year for allowing persons to engage in recreational activities on the property, and he or she may not maliciously act or fail to act in a manner that causes the injury.

Under current law, a person who engages in a recreational activity generally assumes the risks inherent in participating in that activity and has a duty to take certain measures to ensure his or her own safety while engaging in the activity. If a person is injured while participating in a recreational activity, he or she may be held partially or wholly liable for his or her injuries, depending on the nature of the activity and the measures the person took or failed to take to ensure his or her safety.

This bill adds noncommercial aviation as a recreational use for which a private property owner owes no duty to keep his or her property safe or to give recreational users a warning of an unsafe condition on his or her property. Under the bill, a person who engages in noncommercial aviation is engaged in a recreational activity and

assumes the risks inherent in the activity and is responsible for taking measures to ensure his or her own safety.

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

1           **SECTION 1.** 895.52 (1) (g) of the statutes, as affected by 2013 Wisconsin Act 20,  
2 is amended to read:

3           895.52 (1) (g) “Recreational activity” means any outdoor activity undertaken  
4 for the purpose of exercise, relaxation or pleasure, including practice or instruction  
5 in any such activity. “Recreational activity” includes hunting, fishing, trapping,  
6 camping, picnicking, exploring caves, nature study, bicycling, horseback riding,  
7 bird-watching, motorcycling, operating an all-terrain vehicle or utility terrain  
8 vehicle, operating a vehicle, as defined in s. 340.01 (74), on a road designated under  
9 s. 23.115, noncommercial aviation, ballooning, hang gliding, hiking, tobogganing,  
10 sledding, sleigh riding, snowmobiling, skiing, skating, water sports, sight-seeing,  
11 rock-climbing, cutting or removing wood, climbing observation towers, animal  
12 training, harvesting the products of nature, sport shooting and any other outdoor  
13 sport, game or educational activity. “Recreational activity” does not include any  
14 organized team sport activity sponsored by the owner of the property on which the  
15 activity takes place.

16           **SECTION 2.** 895.525 (2) of the statutes is amended to read:

17           895.525 (2) **DEFINITION.** In this section, “recreational activity” means any  
18 activity undertaken for the purpose of exercise, relaxation or pleasure, including  
19 practice or instruction in any such activity. “Recreational activity” does not include  
20 participating in a snow sport at a ski area, as those terms are defined in s. 167.33,  
21 but includes hunting, fishing, trapping, camping, bowling, billiards, picnicking,

1 exploring caves, nature study, dancing, bicycling, horseback riding,  
2 horseshoe-pitching, bird-watching, motorcycling, operating an all-terrain vehicle  
3 or utility terrain vehicle, noncommercial aviation, ballooning, curling, throwing  
4 darts, hang gliding, hiking, sleigh riding, snowmobiling, skating, participation in  
5 water sports, weight and fitness training, sight-seeing, rock-climbing, cutting or  
6 removing wood, climbing observation towers, animal training, harvesting the  
7 products of nature, sport shooting, and participating in a snow sport outside a ski  
8 area, as those terms are defined in s. 167.33, and any other sport, game or  
9 educational activity.

10

(END)

**Barman, Mike**

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**From:** Hall, Steve  
**Sent:** Wednesday, September 25, 2013 11:07 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -3053/1 Topic: Civil immunity for recreational aviation

Please Jacket LRB -3053/1 for the ASSEMBLY.