

1981 Assembly Bill 85

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CHAPTER 63 , Laws of 1981

AN ACT to amend 81.15 and 893.80 (3) of the statutes, relating to the maximum recovery level for tort actions against local governmental entities and agencies.

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

SECTION 1. 81.15 of the statutes is amended to read:

**81.15 Damages caused by highway defects; liability of town and county.** If damages happen to any person or his or her property by reason of the insufficiency or want of repairs of any highway which any town, city or village is bound to keep in repair, the person sustaining the damages ~~shall have~~ has a right to recover the damages from the town, city or village. If the damages happen by reason of the insufficiency or want of repairs of a highway which any county by law or by agreement with any town, city or village is bound to keep in repair, or which occupies any land owned and controlled by the county, the county ~~shall be~~ is liable for the damages and the claim for damages shall be against the county. If the damages happen by reason of the insufficiency or want of repairs of a bridge erected or maintained at the expense of 2 or more towns the action shall be brought against all the towns liable for the repairs of the bridge and upon recovery of judgment the damages and costs shall be paid by the towns in the proportion in which they are liable for the repairs; and the court may direct the judgment to be collected from each town for its proportion only. The amount recoverable by any person for any damages so sustained shall not exceed ~~\$25,000~~ \$50,000. The procedures under s. 893.80 shall apply to the commencement of actions brought under this section. No action may be maintained to recover damages for injuries sustained by reason of an accumulation of snow or ice upon any bridge or highway, unless the accumulation existed for 3 weeks.

SECTION 2. 893.80 (3) of the statutes is amended to read:

893.80 (3) The amount recoverable by any person for any damages, injuries or death in any action founded on tort against any volunteer fire company organized under ch. 213, political corporation, governmental subdivision or agency thereof and against their officers, officials, agents or employes for acts done in their official capacity or in the course of their agency or employment, whether proceeded against jointly or severally, shall not

exceed ~~\$25,000~~ \$50,000, except that the amount recoverable shall not exceed \$25,000 in any such action against a volunteer fire company organized under ch. 213 or its officers, officials, agents or employes. If the volunteer fire company is part of a combined fire department, the \$25,000 limit still applies to actions against the volunteer fire company or its officers, officials, agents or employes. No punitive damages may be allowed or recoverable in any such action under this subsection.

**SECTION 3. Initial applicability.** The treatment of sections 81.15 and 893.80 (3) of the statutes by this act applies to causes of action accruing on or after the effective date of this act.

**SECTION 4. Effective date.** This act takes effect on January 1, 1982, or the first day of the 3rd month commencing after its publication, whichever is later.

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