

State of Wisconsin



2005 Assembly Bill 958

Date of enactment: **May 25, 2006**
Date of publication*: **June 9, 2006**

2005 WISCONSIN ACT 459

AN ACT *to repeal and recreate* 166.03 (10) of the statutes; **relating to**: civil immunity for persons who provide assistance during an emergency.

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

SECTION 1. 166.03 (10) of the statutes is repealed and recreated to read:

166.03 (10) EXEMPTION FROM LIABILITY. (a) No person who provides equipment, materials, facilities, labor, or services is liable for the death of or injury to any person or damage to any property caused by his or her actions if the person did so under all of the following conditions:

1. Under the direction of the governor, the adjutant general, the governing body, chief or acting chief executive officer, or head of emergency management services of any county, town, municipality, or federally recognized American Indian tribe or band in this state, the department of health and family services if that department is designated by the governor under s. 166.03 (1) (b)

1., or the local health department acting under s. 251.05 (3) (e).

2. In response to enemy action, a natural or man-made disaster, or a federally declared state of emergency or during a state of emergency declared by the governor.

(b) This subsection does not apply if the person's act or omission involved reckless, wanton, or intentional misconduct.

(c) This subsection does not affect the right of any person to receive benefits to which he or she otherwise would be entitled under the worker's compensation law or under any pension law, nor does it affect entitlement to any other benefits or compensation authorized by state or federal law.

SECTION 2. Initial applicability.

(1) This act first applies to acts or omissions that occur on the effective date of this subsection.

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].