

# State of Wisconsin



2009 Assembly Bill 136

Date of enactment: **November 12, 2009**

Date of publication\*: **November 25, 2009**

## 2009 WISCONSIN ACT 68

**AN ACT** to amend 70.05 (5) (b); and to create 70.05 (4m), 895.488, 943.13 (4m) (d) and 943.15 (1m) of the statutes; relating to: partially exempting an assessor and an assessor's staff from liability for trespassing, creating immunity from civil liability, and changing the notice requirements related to the revaluation of property by an assessor.

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

**SECTION 1.** 70.05 (4m) of the statutes is created to read:

70.05 (4m) A taxation district assessor may not enter upon a person's real property for purposes of conducting an assessment under this chapter more than once in each year, except that an assessor may enter upon a person's real property for purposes of conducting an assessment under this chapter more often if the property owner consents. A property owner may deny entry to an assessor if the owner has given prior notice to the assessor that the assessor may not enter the property without the property owner's permission. Each taxation district assessor shall create and maintain a database identifying all such property owners in the taxation district.

**SECTION 2.** 70.05 (5) (b) of the statutes is amended to read:

70.05 (5) (b) Each taxation district shall assess property at full value at least once in every 5-year period. Before a city, village, or town assessor conducts a revaluation of property under this paragraph, the city, village, or town shall publish a notice on its municipal Web site that a revaluation will occur and the approximate dates of the property revaluation. The notice shall also describe the authority of an assessor, under ss. 943.13 and 943.15,

to enter land. If a municipality does not have a Web site, it shall post the required information in at least 3 public places within the city, village, or town.

**SECTION 3.** 895.488 of the statutes is created to read:  
**895.488 Civil liability exemption; owner or person in lawful possession of the premises. (1)** In this section:

(a) "Construction site" has the meaning given in s. 943.15 (2) (a).

(b) "Owner or person in lawful possession of the premises" has the meaning given in s. 943.15 (2) (b).

(2) The owner or person in lawful possession of the premises and his or her employees are immune from civil liability for the injury or death of an assessor or a member of the staff of an assessor who enters a construction site without the permission of the owner or person in lawful possession of the premises or his or her employee to make an assessment on behalf of the state or a political subdivision.

(3) The immunity under this section does not apply if the injury or death resulted from the reckless, wanton, or intentional misconduct of the owner or person in lawful possession of the premises or his or her employee.

**SECTION 4.** 943.13 (4m) (d) of the statutes is created to read:

943.13 (4m) (d) An assessor and an assessor's staff entering the land, other than a building, agricultural land

\* Section 991.11, WISCONSIN STATUTES 2007-08 : 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].

or pasture, or a livestock confinement area, of another if all of the following apply:

1. The assessor or the assessor's staff enters the land in order to make an assessment on behalf of the state or a political subdivision.

2. The assessor or assessor's staff enters the land on a weekday during daylight hours, or at another time as agreed upon with the land owner.

3. The assessor or assessor's staff spends no more than one hour on the land.

4. The assessor or assessor's staff does not open doors, enter through open doors, or look into windows of structures on the land.

5. The assessor or the assessor's staff leaves in a prominent place on the principal building on the land, or on the land if there is not a principal building, a notice informing the owner or occupant that the assessor or the assessor's staff entered the land and giving information on how to contact the assessor.

6. The assessor or the assessor's staff has not personally received a notice from the owner or occupant, either orally or in writing, not to enter or remain on the premises.

**SECTION 5.** 943.15 (1m) of the statutes is created to read:

943.15 (1m) This section does not apply to an assessor and an assessor's staff entering the construction site, other than buildings, of another if all of the following apply:

(a) The assessor or the assessor's staff enters the construction site in order to make an assessment on behalf of the state or a political subdivision.

(b) The assessor or assessor's staff enters the construction site on a weekday during daylight hours, or at another time as agreed upon by the land owner.

(c) The assessor or assessor's staff spends no more than one hour on the construction site.

(d) The assessor or assessor's staff does not open doors, enter through open doors, or look into windows of structures on the construction site.

(e) The assessor or the assessor's staff leaves in a prominent place on the principal building at the construction site, or on the land if there is not a principal building, a notice informing the owner or occupant that the assessor or the assessor's staff entered the construction site and giving information on how to contact the assessor.

(f) The assessor or the assessor's staff has not personally received a notice from the owner or occupant, either orally or in writing, not to enter or remain on the premises.

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