



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2013 Senate Bill 321**

**Senate Amendment 1 and  
Senate Substitute Amendment 1**

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2013 Senate Bill 321 relates to limitation of a property owner's liability when lands are used for noncommercial aviation.

### **2013 SENATE BILL 321**

Senate Bill 321 adds "noncommercial aviation" to the types of recreational activities for which a person assumes the risks, and for which a property owner is immune from liability for the death or injury of a person engaged in that activity on the owner's property.

### **SENATE AMENDMENT 1**

Senate Amendment 1 creates a definition for "noncommercial aviation." Under the amendment, "noncommercial aviation" is defined as the use of an aircraft on privately owned land when the use is not for the transportation of persons or property for compensation or hire. For purposes of the recreational immunity law, the definition explicitly excludes from "noncommercial aviation" the use of an aircraft at a public airport.

### **SENATE SUBSTITUTE AMENDMENT 1**

Senate Substitute Amendment 1 to the bill incorporates the definition given in the simple amendment, and maintains the provisions of the bill, but uses the term "recreational aviation" rather than "noncommercial aviation."

Consequently, under the substitute amendment, "recreational aviation" is added to the types of recreational activities for which a person assumes the risks, and for which a property owner is immune from liability for the death or injury of a person engaged in that activity on the owner's property. The substitute amendment defines "recreational aviation" to mean the use of an aircraft on privately owned land when the use is not for the transportation of a person or property for compensation or hire. For purposes of the recreational immunity law, the definition explicitly excludes from "recreational aviation" the use of an aircraft at a public airport.

**BILL HISTORY**

On October 24, 2013, the Senate Committee on Judiciary and Labor recommended adoption of Senate Amendment 1 on a vote of Ayes, 5; Noes, 0. The committee also recommended passage of the bill, as amended, on a vote of Ayes, 3; Noes, 2.

On November 12, 2013, the Senate adopted the substitute amendment, and passed the bill, as amended, on voice votes.

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