



1997 SENATE BILL 36

January 29, 1997 - Introduced by Senator ADELMAN. Referred to Committee on Judiciary, Campaign Finance Reform and Consumer Affairs.

- 1 **AN ACT to amend** 893.80 (1) (intro.) and 893.80 (5) of the statutes; **relating to:**
2 notice of tort claims against governmental entities.

Analysis by the Legislative Reference Bureau

Under current law, a person may not bring an action against a volunteer fire company organized under ch. 213, a political corporation or a governmental subdivision or agency or against any officer, official, agent or employe of the corporation, subdivision or agency unless all of the following occur:

- 1) The person submits to the governmental body a written notice of the circumstances of the claim within 120 days after the event giving rise to the claim.
- 2) The person submits to the appropriate representative of the governmental body a claim containing the address of the claimant and an itemized statement of the relief sought.
- 3) The governmental body disallows the claim. Current law provides that failure of the governmental body to disallow a claim within 120 days after receipt of the notice of claim is a disallowance of that claim.

This bill limits these provisions to actions in tort, such as cases involving the negligent operation of a vehicle or equipment that results in injury to a person.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

SENATE BILL 36**SECTION 1**

1 **SECTION 1.** 893.80 (1) (intro.) of the statutes is amended to read:

2 893.80 (1) (intro.) Except as provided in subs. (1g), (1m), (1p) and (8), no tort
3 action may be brought or maintained against any volunteer fire company organized
4 under ch. 213, political corporation, governmental subdivision or agency thereof nor
5 against any officer, official, agent or employe of the corporation, subdivision or
6 agency for acts done in their official capacity or in the course of their agency or
7 employment upon a claim or cause of action unless:

8 **SECTION 2.** 893.80 (5) of the statutes is amended to read:

9 893.80 (5) Except as provided in this subsection, the provisions and limitations
10 of this section shall be exclusive and shall apply to all tort claims against a volunteer
11 fire company organized under ch. 213, political corporation, governmental
12 subdivision or agency or against any officer, official, agent or employe thereof for acts
13 done in an official capacity or the course of his or her agency or employment. When
14 rights or remedies are provided by any other statute against any political
15 corporation, governmental subdivision or agency or any officer, official, agent or
16 employe thereof for injury, damage or death, such statute shall apply and the
17 limitations in sub. (3) shall be inapplicable.

18 **SECTION 3. Initial applicability.**

19 (1) This act first applies to acts or omissions occurring on the effective date of
20 this subsection.

21

(END)