



1995 ASSEMBLY BILL 95

February 6, 1995 - Introduced by Representatives ALBERS, PORTER, AINSWORTH, BALDUS, COLEMAN, DOBYNS, DUEHOLM, DUFF, FOTI, GOETSCH, GREEN, GROTHMAN, GUNDERSON, HAHN, HARSDFORF, JENSEN, KREIBICH, LEHMAN, MUSSER, OLSEN, OTTE, OTT, OURADA, SCHNEIDERS, SILBAUGH, VRAKAS, WALKER, WILDER, LAZICH, BRANCEL, HANDRICK and NASS, cosponsored by Senator SCHULTZ. Referred to Committee on Insurance, Securities and Corporate Policy.

1 **AN ACT to amend** 893.80 (3) of the statutes; **relating to:** limitations of liability
2 for certain fire companies.

Analysis by the Legislative Reference Bureau

Under current law, the amount recoverable from any volunteer fire company organized by a firefighters association in any city or village, and from the officers, officials, agents and employes of that volunteer fire company, for damages for an action founded in tort is limited to \$25,000. A group of persons not residing in a city or village may organize a volunteer fire company as a nonstock corporation under current law. This bill provides the same limit of \$25,000 for damages from a tort action against a nonstock corporation volunteer fire company, and the volunteer fire company's officers, officials, agents and employes, as is provided for volunteer fire companies organized in cities and villages.

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

3 **SECTION 1.** 893.80 (3) of the statutes is amended to read:
4 893.80 (3) The Except as provided in this subsection, the amount recoverable
5 by any person for any damages, injuries or death in any action founded on tort
6 against any volunteer fire company organized under ch. 181 or 213, political
7 corporation, governmental subdivision or agency thereof and against their officers,
8 officials, agents or employes for acts done in their official capacity or ~~in the course~~

1 of during their agency or employment, whether proceeded against jointly or
2 severally, shall not exceed \$50,000, ~~except that the.~~ The amount recoverable under
3 this subsection shall not exceed \$25,000 in any such action against a volunteer fire
4 company organized under ch. 181 or 213 or its officers, officials, agents or employees.
5 If ~~the~~ a volunteer fire company organized under ch. 181 or 213 is part of a combined
6 fire department, the \$25,000 limit still applies to actions against the volunteer fire
7 company or its officers, officials, agents or employees. No punitive damages may be
8 allowed or recoverable in any such action under this subsection.

9 **SECTION 2. Initial applicability.**

10 (1) This act first applies to actions commenced on the effective date of this
11 subsection.

12 (END)