



1995 ASSEMBLY BILL 964

February 26, 1996 - Introduced by Representatives OTTE, GOETSCH, MUSSER, BAUMGART, AINSWORTH, SERATTI, LAZICH, SKINDRUD, KREIBICH, GUNDERSON, KLUSMAN and F. LASEE, cosponsored by Senator PANZER. Referred to Committee on Judiciary.

1 **AN ACT** *to renumber and amend* 895.525 (2); *to repeal and recreate* 895.525
2 (3); and *to create* 895.525 (2) (a) of the statutes; **relating to:** immunity of
3 supervisors of and participants in recreational activities.

Analysis by the Legislative Reference Bureau

Under current law, a participant in a recreational activity engaged in on premises owned or leased by a person who offers facilities to the general public accepts the risks inherent in the recreational activity. In a negligence action for recovery of damages, conduct by a participant who accepts the inherent risks in the recreational activity is contributory negligence and is subject to the comparative negligence allocation of damages.

Under this bill, a person is immune from civil liability for acts or omissions related to his or her transportation to, participation in or supervision of a recreational activity if another person is injured or killed as a result of an inherent risk of a recreational activity. The immunity does not apply if the person uses or provides equipment that he or she knows is faulty and that equipment causes the injury or death, if the person acts in a wanton or wilful disregard of the safety of the person injured or killed or if the person intentionally causes the injury or death.

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:

4 **SECTION 1.** 895.525 (2) of the statutes is renumbered 895.525 (2) (intro.) and
5 amended to read:

1 895.525 (2) (title) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section
2 ~~,"recreational~~;

3 (b) "Recreational activity" means any activity undertaken for the purpose of
4 exercise, relaxation or pleasure, including practice or instruction in any such
5 activity. "Recreational activity" includes, but is not limited to, hunting, fishing,
6 trapping, camping, bowling, billiards, picnicking, exploring caves, nature study,
7 dancing, bicycling, horseback riding, horseshoe-pitching, bird-watching,
8 motorcycling, operating an all-terrain vehicle, ballooning, curling, throwing darts,
9 hang gliding, hiking, tobogganing, sledding, sleigh riding, snowmobiling, skiing,
10 skating, participation in water sports, weight and fitness training, sight-seeing,
11 rock-climbing, cutting or removing wood, climbing observation towers, animal
12 training, harvesting the products of nature and any other sport, game or educational
13 activity.

14 **SECTION 2.** 895.525 (2) (a) of the statutes is created to read:

15 895.525 (2) (a) "Inherent risk" means a condition or danger that is an integral
16 part of the recreational activity and includes the unpredictable action of a
17 participant or spectator.

18 **SECTION 3.** 895.525 (3) of the statutes is repealed and recreated to read:

19 895.525 (3) **IMMUNITY FROM LIABILITY.** (a) Except as provided in par. (b), a person
20 being transported to, participating in or supervising a recreational activity is
21 immune from civil liability for acts or omissions related to his or her transportation
22 to, participation in or supervision of a recreational activity if a person is injured or
23 killed as a result of an inherent risk of a recreational activity.

24 (b) The immunity under this subsection does not apply if the person seeking
25 immunity does any of the following:

