



2013 ASSEMBLY BILL 257

June 28, 2013 – Introduced by Representatives HONADEL, CRAIG, CZAJA, HUTTON, KLEEFISCH, KLENKE, KOOYENGA, T. LARSON, LEMAHIEU, NYGREN, SANFELIPPO, SCHRAA, STONE and WEATHERSTON, cosponsored by Senators FARROW and COWLES. Referred to Committee on Judiciary.

- 1 **AN ACT** *to amend* 941.40 (4) (b); and *to create* 895.63 of the statutes; **relating**
2 **to:** exemption from civil liability for electric service providers.

Analysis by the Legislative Reference Bureau

This bill provides an exemption from civil liability to an electric service provider (provider) for damage to an animal, an individual, or property caused by the transmission, distribution, or sale of electric energy by that provider. The bill defines “electric service provider” to mean: 1) a public utility involved in the transmission, distribution, or sale of electric energy; and 2) a cooperative association organized for the purpose of transmitting, distributing, or selling electric energy. To attain the exemption, the provider must prove by clear and convincing evidence that the electric facilities owned by the provider and providing service to the location of the alleged damage are operated and maintained in compliance with all applicable engineering and safety standards. Under the bill, a provider may not avoid liability for damage to an animal, an individual, or property if the damage is caused by reckless, wanton, or willful acts or omissions or intentional misconduct.

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

- 3 **SECTION 1.** 895.63 of the statutes is created to read:
4 **895.63 Civil liability exemption; electric service operations.** (1) In this
5 section:

ASSEMBLY BILL 257**SECTION 1**

1 (a) "Electric service provider" means any of the following:

2 1. A public utility, as defined in s. 196.01 (5) (a), involved in the transmission,
3 distribution, or sale of electric energy.

4 2. A cooperative association organized under ch. 185 for the purpose of
5 transmitting, distributing, or selling electric energy.

6 (b) "Rural utilities service" has the meaning given in s. 196.485 (1) (f).

7 **(2)** Except as provided in sub. (3), an electric service provider is not liable in
8 a civil action for any damage to an animal, an individual, or property caused by the
9 transmission, distribution, or sale of electric energy by an electric service provider
10 if the electric service provider proves by clear and convincing evidence all of the
11 following:

12 (a) For an electric service provider under sub. (1) (a) 1., the electric facilities
13 owned or operated by the electric service provider and providing service to the
14 location of alleged damage are operated and maintained in compliance with all
15 engineering and safety standards adopted by rule or order by a state regulatory
16 agency and applicable to the facilities.

17 (b) For an electric service provider under sub. (1) (a) 2., the electric facilities
18 owned or operated by the electric service provider and providing service to the
19 location of alleged damage are operated and maintained in compliance with all
20 engineering and safety standards by the rural utilities service, or comparable
21 engineering and safety standards adopted by the board of directors of the electric
22 service provider, and applicable to the facilities.

23 **(3)** This section does not apply if the damage to an animal, an individual, or
24 property was caused by reckless, wanton, or willful acts or omissions or intentional
25 misconduct.

