

No. 76, S.]

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CHAPTER 244

AN ACT to create 114.065 of the statutes, relating to state liability for negligent operation of aircraft owned and operated by it.

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

114.065 of the statutes is created to read:

114.065 STATE LIABILITY FOR AIRCRAFT. (1) Any person suffering any damage proximately resulting from the negligent operation of an aircraft owned and operated by the state, and which damage is occasioned by the operation of such aircraft in the performance of its business, may file a claim therefor against the state and the legislature shall have the right to allow, compromise, settle and pay the same; the claim shall state the time and place of the accident, a brief description of the injuries or damages, the manner in which they were received and the grounds upon which claim is made and that satisfaction thereof is claimed. "Business" as used herein means any business whether governmental or proprietary.

(2) No action to recover damages under this section shall be brought unless within 90 days after the date of the accident a claim is filed for the damages sought or if the damages cannot be determined or ascertained, a notice of intention to file claim shall be filed within such 90 days, which notice shall contain a statement of the facts establishing the negligence upon which the claim is based and a description of the nature of the injuries or damages for which claim will later be filed.

(3) The manner and form and the place of filing such claims and notices shall be as provided in s. 15.18 (8), except that they shall be made in triplicate; in addition to his duties under that subsection the director of budget and accounts shall transmit one of the copies of the claim or notice to the attorney-general.

(4) The attorney-general shall obtain information relating to the accident giving rise to the claim and make his report thereon to the legislature.

(5) Failure of the legislature to pass upon the claim within 60 days after presentation shall constitute a disallowance. Recess periods and periods between sessions due to sine die adjournments shall be included in arriving at said 60 days. Any such disallowance shall bar any action founded on the claim unless brought within 6 months after disallowance. Actions against the state and payment of the amount recovered shall be as provided in ss. 285.01 and 285.04.

Approved June 3, 1953.