

1987 Senate Bill 22

Date of enactment: **June 10, 1987**
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1987 Wisconsin Act 14

AN ACT to renumber 895.48; to amend 118.29 (3), 118.295, 895.48 (title) and 940.34 (3); and to create 895.48 (2) of the statutes, relating to discharge of hazardous substances and providing for immunity.

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

SECTION 1. 118.29 (3) of the statutes is amended to read:

118.29 (3) EMERGENCY CARE; CIVIL LIABILITY EXEMPTION. Any school bus operator licensed under s. 343.12 and any public or private school employe or volunteer, county handicapped children's education board employe or volunteer or cooperative educational service agency employe or volunteer, other than a health care professional, who in good faith renders emergency care to a pupil of a public or private school is immune from civil liability for his or her acts or omissions in rendering such emergency care. The immunity from civil liability provided under this subsection is in addition to and not in lieu of that provided under s. 895.48 (1).

SECTION 2. 118.295 of the statutes is amended to read:

118.295 Suicide intervention; civil liability exemption. Any school board, private school, county handicapped children's education board or cooperative educational service agency, and any officer, employe or volunteer thereof, who in good faith attempts to prevent suicide by a pupil is immune from civil liability for his or her acts or omissions in respect to the suicide or attempted suicide. The civil liability immunity provided in this section is in addition to and not in lieu of that provided under s. 895.48 (1).

SECTION 3. 895.48 (title) of the statutes is amended to read:

895.48 (title) Civil liability exemption; emergency care and hazardous substances.

SECTION 4. 895.48 of the statutes is renumbered 895.48 (1).

SECTION 5. 895.48 (2) of the statutes is created to read:

895.48 (2) (a) In this subsection:

1. "Discharge" has the meaning given under s. 144.76 (1) (a).

2. "Hazardous substance" has the meaning given under s. 144.01 (4m).

(b) Any person is immune from civil liability for his or her good faith acts or omissions related to assistance or advice which the person provides relating to an emergency or a potential emergency regarding either of the following:

1. Mitigating or attempting to mitigate the effects of an actual or threatened discharge of a hazardous substance.

2. Preventing or cleaning up or attempting to prevent or clean up an actual or threatened discharge of a hazardous substance.

(c) The immunity under par. (b) does not extend to any person:

1. Whose act or omission causes in whole or in part the actual or threatened discharge and who would otherwise be liable for the act or omission;

2. Who would be liable for the discharge under ch. 144 or 147 or any rule promulgated or permit or order issued under ch. 144 or 147;

3. Whose act or omission constitutes gross negligence or involves reckless, wanton or intentional misconduct; or

4. Who receives or expects to receive compensation, other than reimbursement for out-of-pocket expenses, for rendering the advice and assistance.

SECTION 6. 940.34 (3) of the statutes is amended to read:

940.34 (3) If a person renders emergency care for a victim, s. 895.48 (1) applies. Any person who provides other reasonable assistance under this section is immune from civil liability for his or her acts or omissions in providing the assistance. This immunity does not apply if the person receives or expects to receive compensation for providing the assistance.