

**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY AMENDMENT 1,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 35**

March 3, 1999 – Offered by Representative AINSWORTH.

1 At the locations indicated, amend the amendment as follows:

2 **1.** Page 1, line 10: delete lines 10 to 12.

3 **2.** Page 2, line 1: delete lines 1 to 2 and substitute:

4 “**SECTION 1h.** 345.05 (2) of the statutes is amended to read:

5 345.05 (2) ~~A~~ Except as provided in sub. (2m), a person suffering any damage
6 proximately resulting from the negligent operation of a motor vehicle owned and
7 operated by a municipality, which damage was occasioned by the operation of the
8 motor vehicle in the course of its business, may file a claim for damages against the
9 municipality concerned and the governing body thereof may allow, compromise,
10 settle and pay the claim. In this subsection, a motor vehicle is deemed owned and

1 operated by a municipality if the vehicle is either being rented or leased, or is being
2 purchased under a contract whereby the municipality will acquire title.

3 **SECTION 1p.** 345.05 (2m) of the statutes is created to read:

4 345.05 **(2m)** A person suffering any damage proximately resulting from the
5 negligent operation of a snowplow owned and operated by a municipality, which
6 damage was occasioned by the operation of the snowplow in the course of its business,
7 may file a claim for damages against the municipality concerned and the governing
8 body thereof may allow, compromise, settle and pay the claim. In this subsection, a
9 snowplow is considered owned and operated by a municipality if the vehicle is either
10 being rented or leased, or is being purchased under a contract whereby the
11 municipality will acquire title. This subsection does not apply to damages to a
12 moving motor vehicle or its occupants resulting from the operation of a snowplow
13 engaged in highway winter maintenance snow and ice removal, as described in s.
14 343.23 (2) (a) 2., during either a storm or cleanup following a storm. The exemption
15 granted to the operator of a snowplow by this subsection”.

16 **3.** Page 2, line 11: delete lines 11 to 14.

17 **4.** Page 2, line 15: before “**SECTION**” insert a quotation mark.

18 **5.** Page 2, line 17: delete “(1) (bm) and (6)” and substitute “(2) and (2m)”.

19 **(END)**