
1999 DRAFTING REQUEST**Assembly Amendment (AA-AA(LRBa0109/1)-ASA1-AB35)**Received: **03/2/99**Received By: **nilsepe**Wanted: **As time permits**For: **John Ainsworth (608) 266-3097**By/Representing: **Kristina Boardman**

This file may be shown to any legislator: NO

Drafter: **nilsepe**

May Contact:

Alt. Drafters:

Subject: **Transportation - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Liability for negligent operation of a snowplow

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
I?	nilsepe 03/2/99	gilfokm 03/2/99		_____			
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FE Sent For:

<END>

1999 DRAFTING REQUEST

Assembly Amendment (AA-AA(LRBa0109/1)-ASA1-AB35)

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Identical to LRB:

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I?	nilsepe	1-3-2-99 kmg	IS 3/2/99	IS/KM 3/2/99			

FE Sent For:

<END>



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBa0134

PEN.....

Now

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT,

TO ASSEMBLY AMENDMENT (LRBa0109/1),

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 35

d-note

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) ^{strike space} ~~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

6
6
6

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

History: 1975 c 200, 1977 c. 285; 1979 c. 32 s. 92 (5); 1979 c. 221, 323, 355; 1983 a. 189 ss. 252,329 (7), (31); 1983 a. 192; 1987 a 377.

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

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

3. Page 2, line 10: delete lines 10 to 14.

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

(END)

#. Page 2, line 15: before a quotation mark.

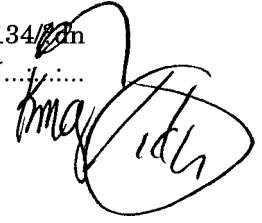
“(CS) (B)” insert “SECTION”

d-note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa0134/20n

PEN.....



March 2, 1999

Rep. Ainsworth:

This amendment allows a person to file a claim against a municipality for damages caused by a snowplow, unless the person is claiming damage to a moving motor vehicle or its occupants caused by a snowplow that is engaged in snow or ice treatment or removal during a storm or during cleanup following a storm.

An amendment to 1999 AB 35 that proposes to limit liability for damages caused by a snowplow may be considered nongermane to that bill under Assembly Rule 54 (1).



Paul E. Nilsen
Legislative Attorney
Phone: (608) 261-6926

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa0134/1dn
PEN:kmg:ijs

March 2, 1999

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