

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1999 ASSEMBLY BILL 325**

August 24, 1999 – Offered by Representative ALBERS.

1 **AN ACT *to repeal* 81.17; and *to amend* 81.15 of the statutes; relating to:**  
2 liability of cities, villages, towns and counties for damages caused by an  
3 insufficiency or want of repair of a highway.

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

4 **SECTION 1.** 81.15 of the statutes is amended to read:

5 **81.15 Damages caused by highway defects accumulation of snow or**  
6 **ice; liability of city, village, town and county.** If damages happen to any person  
7 or his or her property by reason of the insufficiency or want of repairs of any highway  
8 which any town, city or village is bound to keep in repair, the person sustaining the  
9 damages has a right to recover the damages from the town, city or village. If the  
10 damages happen by reason of the insufficiency or want of repairs of a highway which  
11 any county by law or by agreement with any town, city or village is bound to keep in  
12 repair, or which occupies any land owned and controlled by the county, the county is

1 ~~liable for the damages and the claim for damages shall be against the county. If the~~  
2 ~~damages happen by reason of the insufficiency or want of repairs of a bridge erected~~  
3 ~~or maintained at the expense of 2 or more towns the action shall be brought against~~  
4 ~~all the towns liable for the repairs of the bridge and upon recovery of judgment the~~  
5 ~~damages and costs shall be paid by the towns in the proportion in which they are~~  
6 ~~liable for the repairs; and the court may direct the judgment to be collected from each~~  
7 ~~town for its proportion only. The amount recoverable by any person for any damages~~  
8 ~~so sustained shall not exceed \$50,000. The procedures under s. 893.80 shall apply~~  
9 ~~to the commencement of actions brought under this section. No action may be~~  
10 ~~maintained against a city, village, town or county to recover damages for injuries~~  
11 ~~sustained by reason of an accumulation of snow or ice upon any bridge or highway,~~  
12 ~~unless the accumulation existed for 3 weeks. Any action to recover damages for~~  
13 ~~injuries sustained by reason of an accumulation of snow or ice that has existed for~~  
14 ~~3 weeks or more upon any bridge or highway is subject to s. 893.80.~~

15 **SECTION 2.** 81.17 of the statutes is repealed.

16 (END)