

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASAI-AB703)

Received: **03/01/2000**

Received By: **rmarchan**

Wanted: **03/01/2000**

Identical to LRB:

For: **Wayne Wood (608) 266-7503**

By/Representing: **himself**

This file may be shown to any legislator: **NO**

Drafter: **rmarchan**

May Contact:

Alt. Drafters:

Subject: **Agriculture - miscellaneous
Buildings/Safety - misc.
Criminal Law - miscellaneous**

Extra Copies: **MGD,JEO,RCT**

Pre Topic:

No specific pre topic given

Topic:

Anhydrous ammonia

Instructions:

Clarify that liability exemption covers damage and personal injury

Drafting History:

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State of Wisconsin
1999 - 2000 LEGISLATURE

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NOON TODAY

~~PRELIMINARY DRAFT NOT READY FOR INTRODUCTION~~
**ASSEMBLY AMENDMENT,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 703**

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 1. Page 3, line 14: after "cause damage" insert "or injury".
- 3 2. Page 3, line 14: after "that damage" insert "or injury".
- 4 **3.** Page 3, line 17: after "damage" insert "or injury".
- 5 4. Page 3, line 18: after "damage" insert "or injury".
- 6 (END)

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 703**

February 29, 2000 - Offered by Representatives OTT and GOETSCH.

1 **AN ACT** to *create* 101.10 and 895.555 of the statutes; **relating to:** storage and
2 handling of anhydrous ammonia, creating an exemption from civil liability and
3 providing a penalty.

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

4 **SECTION 1.** 101.10 of the statutes is created to read:

5 **101.10 Storage and handling of anhydrous ammonia. (1) DEFINITIONS.**

6 In this section:

7 (a) "Anhydrous ammonia equipment" means any equipment that is used in the
8 application of anhydrous ammonia for an agricultural purpose or that is used to
9 store, hold, transport or transfer anhydrous ammonia.

10 (b) "Transfer" means to remove from a container.

11 **(2) RULES.** The department shall promulgate rules that prescribe reasonable
12 standards relating to the safe storage and handling of anhydrous ammonia. The

1 rules shall prescribe standards for the design, construction, repair, alteration,
2 location, installation, inspection and operation of anhydrous ammonia equipment.
3 The rules promulgated under this subsection do not apply to ammonia
4 manufacturing plants, refrigeration plants where ammonia is used solely as a
5 refrigerant and ammonia transportation pipelines.

6 (3) **PROHIBITIONS.** No person may do any of the following:

7 (a) Store, hold or transport anhydrous ammonia in a container that does not
8 meet all applicable requirements established by rule of the department promulgated
9 under sub. (2).

10 (b) Transfer or attempt to transfer anhydrous ammonia into a container that
11 does not meet all applicable requirements established by rule of the department
12 promulgated under sub. (2).

13 (c) Transfer or attempt to transfer anhydrous ammonia without the consent of
14 the owner of the anhydrous ammonia.

15 (d) Intentionally cause damage to anhydrous ammonia equipment without the
16 consent of the owner of the anhydrous ammonia equipment.

17 (e) Intentionally take, carry away, use, conceal or retain possession of
18 anhydrous ammonia belonging to another or anhydrous ammonia equipment
19 belonging to another, without the other's consent and with intent to deprive the
20 owner permanently of possession of the anhydrous ammonia or anhydrous ammonia
21 equipment.

22 (4) **PENALTIES.** (a) Any person who violates a rule of the department
23 promulgated under sub. (2) may be required to forfeit not less than \$10 nor more than
24 \$100 for each violation.

1 (b) **Except** as provided in par. (c), any person who violates sub. (3) may be fined
2 not more than \$10,000 or imprisoned for not more than 3 years and 6 months, or both,
3 for each violation. Notwithstanding s. 101.02 (12), each act in violation of sub. (3)
4 constitutes a separate offense.

5 (c) Any person who violates sub. (3) (a) or (b) in the performance of a bona fide
6 agricultural activity may be required to forfeit not less than \$10 nor more than \$100
7 for each violation.

8 **SECTION 2.** 895.555 of the statutes is created to read:

9 **895.555 Liability exemption; anhydrous ammonia. (1) LIABILITY**
10 **EXEMPTION.** Except as provided under sub. (2), any person who owns, maintains or
11 installs anhydrous ammonia equipment, as defined in s. 101.10 (1) (a), or who uses
12 anhydrous ammonia for any legal purpose is immune from any civil liability for acts
13 or omissions relating to the anhydrous ammonia equipment or to anhydrous
14 ammonia that cause ~~damage~~^{or injury} to an individual, if that ~~damage~~^{occurs} during the
15 individual's violation of s. 101.10 (3) (c), (d) or (e).

16 (2) **EXCEPTION.** A person is not immune from civil liability under sub. (1) if the
17 ~~damage~~^{or injury} is caused by the person's reckless or wanton acts or omissions or by acts or
18 omissions intended by the person to cause damage:^{or injury}“.

19 **SECTION 3. Initial applicability.**

20 (1) **STORAGE AND HANDLING OF ANHYDROUS AMMONIA.** The creation of section
21 101.10 (4) (b) and (c) of the statutes first applies to acts occurring on the effective date
22 of this subsection.

23 (2) **LIABILITY EXEMPTION; ANHYDROUS AMMONIA.** The creation of section 895.555
24 (1) ~~of the statutes~~ first applies to acts or omissions occurring on the effective date of
25 this subsection.

