

## 2001 ASSEMBLY BILL 305

April 12, 2001 - Introduced by Representatives LA FAVE, MUSSER, J. LEHMAN, SERATTI, TURNER, MILLER, BERCEAU, RYBA and RILEY, cosponsored by Senators BURKE, DARLING, ROESSLER and RISSER. Referred to Committee on Judiciary.

1 AN ACT *to amend* 895.44 of the statutes; **relating to:** liability for the inspection  
2 of property.

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### *Analysis by the Legislative Reference Bureau*

Under current law, a state officer, employee, or agent, or an insurer or the insurer's employee or agent, is immune from civil liability for furnishing safety inspections or advisory services intended to reduce the likelihood of injury, death, or loss. The immunity does not apply if the active negligence of the officer, insurer, agent, or employee created the condition that was the proximate cause of the injury, death, or loss. The immunity also does not apply to insurers if the services were performed under provisions of a service contract. This bill adds county and local governmental unit officers, employees, or agents to those who receive immunity from civil liability for safety inspections and advisory services.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

3 SECTION 1. 895.44 of the statutes is amended to read:  
4 **895.44 Exemption from civil liability for furnishing safety inspection**  
5 **or advisory services.** The furnishing of, or failure to furnish, safety inspection or

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1 advisory services intended to reduce the likelihood of injury, death, or loss shall not  
2 subject a state an officer, employee, or agent, ~~or of the state, a county, or a local~~  
3 governmental unit, as defined in s. 59.72 (1) (c), an insurer, or the insurer's agent or  
4 employee undertaking to perform such services as an incident to insurance, to  
5 liability for damages from injury, death, or loss occurring as a result of any act or  
6 omission in the course of the safety inspection or advisory services. This section shall  
7 not apply if the active negligence of the state officer, employee, or agent, ~~or of the~~  
8 ~~insurer, the insurer's agent or employe~~ created the condition that was the proximate  
9 cause of injury, death, or loss. This section shall not apply to an insurer, ~~the insurer's~~  
10 officer, employee, or agent or employe performing the safety inspection or advisory  
11 services when required to do so under the provisions of a written service contract.

**SECTION 2. Initial applicability.**

12 (1) This act first applies to inspections or advisory services provided on the  
13 effective date of this subsection.  
14

15 (END)