

2001 DRAFTING REQUEST

Bill

Received: **10/05/2000**

Received By: **nelsorp1**

Wanted: **As time permits**

Identical to LRB:

For: **John La Fave (608) 266-0486**

By/Representing:

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

Drafter: **nelsorp1**

May Contact:

Addl. Drafters:

Subject: **Courts - immunity liability**

Extra Copies:

Submit via email: **NO**

Requester's email:

Pre Topic:

No specific pre topic given

Topic:

Liability for the inspection of property.

Instructions:

See Attached 99 AB180

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>
/?	nelsorp1 10/11/2000	gilfokm 10/12/2000		_____			Local
/1			jfrantze 10/13/2000	_____	lrb_docadmin 10/13/2000	lrb_docadmin 04/06/2001	

FE Sent For:

↳ **AT Intro.**

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see s. 102.03(3) conflict? No?

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/?	nelsorp1	1-10/12 Kmg	<i>[Signature]</i> 10/13	<i>[Signature]</i> PG 10/13			

FE Sent For:

<END>

LEGISLATIVE REFERENCE BUREAU**BILL REQUEST FORM**

Legal Section, 5th Floor, 100 N. Hamilton St.
 (608) 266-3561

RPN
/2

Use of this form is optional. It is often helpful to talk directly with the LRB attorney who will draft the bill.
 Use this form only for **BILL** drafts. Attach more pages if necessary.

Date of request: <i>10-4-00</i>	Legislator or agency requesting this draft: <i>JOHN LA FAVE</i>
Name/phone number of person submitting request: <i>JUDY KELLY - 6-0486</i>	
Persons to contact for questions about this draft (names and phone numbers please): <i>JOHN LA FAVE 6-0486</i>	
Describe the problem, including any helpful examples. How do you want to solve the problem? <i>REDRAFT 1999 bill AB180 AS AMENDED</i> <i>COPY ATTACHED</i>	
If you know of any statute sections that might be affected, please list them or provide a marked (not re-typed) copy.	

Please attach a copy of any correspondence or material that may help us. You may also attach a marked (not re-typed) copy of any LRB draft, or provide its number (e.g., 1997 LRB-2345/1 or 1995 AB-67):

Requests are confidential unless stated otherwise.

May we tell others that we are working on this for you? YES NO

If yes, anyone who asks? YES NO

Any legislator? YES NO ONLY the following persons:

Do you consider this urgent? YES NO If yes, please indicate why:

Is this request of higher priority than other pending request(s) you have made?

YES NO If yes, please sign your name here:

History of Assembly Bill 180

ASSEMBLY BILL 180

An Act to amend 893.80 (1p) and 895.44 of the statutes; relating to: liability for the inspection of property. (FE)
1999

03-08.	A. Introduced by Representatives La Fave, Urban, Miller, Ryba, Musser, J. Lehman, Huber, Seratti, Turner, Plouff and Riley; cosponsored by Senator Burke.	
03-08.	A. Read first time and referred to committee on Urban and Local Affairs	102
03-17.	A. Fiscal estimate received.	
03-24.	A. Fiscal estimate received.	
08-24.	A. Public hearing held.	
11-16.	A. Executive action taken.	
11-16.	A. Assembly amendment 1 offered by committee on Urban and Local Affairs	562
11-24.	A. Report Assembly amendment 1 adoption recommended by committee on Urban and Local Affairs, Ayes 9, Noes 0	567
11-24.	A. Report passage as amended recommended by committee on Urban and Local Affairs, Ayes 7, Noes 2	567
11-24.	A. Referred to committee on Rules	567
2000		
04-06.	A. Failed to pass pursuant to Senate Joint Resolution 1	915

[Text of Assembly Bill 180](#)

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**ASSEMBLY AMENDMENT 1,
TO 1999 ASSEMBLY BILL 180**

November 16, 1999 – Offered by COMMITTEE ON URBAN AND LOCAL AFFAIRS.

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

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

3 (END)

2001-02

1999-2000 LEGISLATURE

0681/1
LRB-1803/1

RPN:pgt&jlg:hmh

kmq

2001

1999 ASSEMBLY BILL 180

March 8, 1999 - Introduced by Representatives LA FAVE, URBAN, MILLER, RYBA, MUSSER, J. LEHMAN, HUBER, SERATTI, TURNER, PLOUFF and RILEY, cosponsored by Senator BURKE. Referred to Committee on Urban and Local Affairs.

1 AN ACT *to amend* 893.80 (1p) and 895.44 of the statutes; relating to: liability
2 for the inspection of property.

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.

Current law permits the bringing of an action against a political corporation or governmental subdivision or their agents for damages for a negligent inspection of property. This bill allows the bringing of such actions only if the negligent inspection created the condition that was the proximate cause of the damages or if the inspection was performed pursuant to a written service contract.

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

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

ASSEMBLY BILL 180

SECTION 1

1 SECTION 1. 893.80 (1p) of the statutes is amended to read:

2 893.80 (1p) No action may be brought or maintained with regard to a claim to
3 recover damages against any political corporation, governmental subdivision or
4 agency thereof for the negligent inspection of any property, premises, place of
5 employment or construction site for the violation of any statute, rule, ordinance or
6 health and safety code unless the alleged negligent act or omission occurred after
7 November 30, 1976. In any such action, the time period under sub. (1) (a) shall be
8 one year after discovery of the negligent act or omission or the date on which, in the
9 exercise of reasonable diligence the negligent act or omission should have been
10 discovered inspection created the condition that was the proximate cause of the
11 damages. This subsection does not apply to an inspection that was performed under
12 the provision of a written service contract.

13 SECTION 895.44 of the statutes is amended to read:

14 **895.44 Exemption from civil liability for furnishing safety inspection**
15 **or advisory services.** The furnishing of, or failure to furnish, safety inspection or
16 advisory services intended to reduce the likelihood of injury, death^v or loss shall not
17 subject a state an officer, employe^e or agent, or of the state, county^a, or local^a
18 governmental unit, as defined in s. 59.72 (1) (c), an insurer, or the insurer's agent^v or
19 employe^e undertaking to perform such services as an incident to insurance, to liability
20 for damages from injury, death^v or loss occurring as a result of any act or omission in
21 the course of the safety inspection or advisory services. This section shall not apply
22 if the active negligence of the state officer, employe^e or agent, or of the insurer, the
23 insurer's agent or employe^e created the condition that was the proximate cause of
24 injury, death^v or loss. This section shall not apply to an insurer, the insurer's officer,

Handwritten note: Follow

Nelson, Robert P.

From: LaFave, John
Sent: Thursday, April 05, 2001 4:19 PM
To: Nelson, Robert P.
Cc: Kelly, Judy
Subject: LRB-0681/1- liability for the inspection of property

Bob,
I've circulated the co-sponsor memo for LRB-0681/1- liability for the inspection of property and am ready to turn it in. Now I realize that we don't have the bill 'jacket'. Maybe I never signed off on it. I hope you have it and can send it over.

Rep. John La Fave