

## 2001 ASSEMBLY BILL 7

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.

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*Analysis by the Legislative Reference Bureau*

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*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) "Agricultural activity" means planting, cultivating, propagating,  
8             fertilizing, nurturing, producing, harvesting, or manufacturing agricultural,  
9             horticultural, viticultural, or dairy products; forest products; livestock; wildlife;  
10            poultry; bees; fish; shellfish; or any products of livestock, wildlife, poultry, bees, fish,  
11            or shellfish.

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1 (b) “Anhydrous ammonia equipment” means any equipment that is used in the  
2 application of anhydrous ammonia for an agricultural purpose or that is used to  
3 store, hold, transport or transfer anhydrous ammonia.

4 (c) “Transfer” means to remove from a container.

5 **(2) RULES.** The department shall promulgate rules that prescribe reasonable  
6 standards relating to the safe storage and handling of anhydrous ammonia. The  
7 rules shall prescribe standards for the design, construction, repair, alteration,  
8 location, installation, inspection, and operation of anhydrous ammonia equipment.  
9 The rules promulgated under this subsection do not apply to ammonia  
10 manufacturing plants, refrigeration plants where ammonia is used solely as a  
11 refrigerant, and ammonia transportation pipelines.

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

13 (a) Store, hold, or transport anhydrous ammonia in a container that does not  
14 meet all applicable requirements established by rules of the department  
15 promulgated under sub. (2).

16 (b) Transfer or attempt to transfer anhydrous ammonia into a container that  
17 does not meet all applicable requirements established by rules of the department  
18 promulgated under sub. (2).

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

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

23 (e) Intentionally take, carry away, use, conceal, or retain possession of  
24 anhydrous ammonia belonging to another or anhydrous ammonia equipment  
25 belonging to another, without the other’s consent and with intent to deprive the

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1 owner permanently of possession of the anhydrous ammonia or anhydrous ammonia  
2 equipment.

3 **(4) PENALTIES.** (a) Any person who violates a rule of the department  
4 promulgated under sub. (2) may be required to forfeit not less than \$10 nor more than  
5 \$100 for each violation.

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

10 (c) Any person who violates sub. (3) (a) or (b) while performing an agricultural  
11 activity may be required to forfeit not less than \$10 nor more than \$100 for each  
12 violation.

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

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

21 **(2) EXCEPTION.** A person is not immune from civil liability under sub. (1) if the  
22 damage or injury is caused by the person's reckless or wanton acts or omissions or  
23 by acts or omissions intended by the person to cause damage or injury.

24 **SECTION 3. Initial applicability.**

