

2005 ASSEMBLY BILL 509

1 **AN ACT** *to repeal* 893.83 (2); and *to renumber and amend* 893.83 (1) of the
2 statutes; **relating to:** liability of cities, villages, towns, and counties for
3 damages caused by an insufficiency or want of repair of a highway.

Analysis by the Legislative Reference Bureau

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

4 **SECTION 1.** 893.83 (1) of the statutes is renumbered 893.83 and amended to
5 read:
6 **893.83 Damages caused by highway defects accumulation of snow or**
7 **ice; liability of municipality city, village, town, and county.** If ~~damages~~
8 happen to any person or his or her property by reason of the insufficiency or want of
9 repairs of any highway that any town, city, or village is bound to keep in repair, the
10 ~~person sustaining the damages has a right to recover the damages from the town,~~

ASSEMBLY BILL 509**SECTION 1**

1 city, or village. ~~If the damages happen by reason of the insufficiency or want of~~
2 ~~repairs of a highway that any county by law or by agreement with any town, city, or~~
3 ~~village is bound to keep in repair, or that occupies any land owned and controlled by~~
4 ~~the county, the county is liable for the damages and the claim for damages shall be~~
5 ~~against the county. If the damages happen by reason of the insufficiency or want of~~
6 ~~repairs of a bridge erected or maintained at the expense of 2 or more towns, cities,~~
7 ~~villages, or counties, the action shall be brought against all of the towns, cities,~~
8 ~~villages, or counties that are liable for the repairs of the bridge. Upon recovery of~~
9 ~~judgment, the damages and costs shall be paid by the towns, cities, villages, or~~
10 ~~counties in the proportion in which they are liable for the repairs. The court may~~
11 ~~direct the judgment to be collected from each town, city, village, or county for its~~
12 ~~proportion only. The amount recoverable by any person for any damages so~~
13 ~~sustained shall not exceed \$50,000. The procedures under s. 893.80 shall apply to~~
14 ~~the commencement of actions brought under this subsection. No action may be~~
15 ~~maintained against a city, village, town, or county to recover damages for injuries~~
16 ~~sustained by reason of an accumulation of snow or ice upon any bridge or highway,~~
17 ~~unless the accumulation existed for 3 weeks. Any action to recover damages for~~
18 ~~injuries sustained by reason of an accumulation of snow or ice that has existed for~~
19 ~~3 weeks or more upon any bridge or highway is subject to s. 893.80.~~

20 **SECTION 2.** 893.83 (2) of the statutes is repealed.

21 **SECTION 3. Initial applicability.**

22 (1) This act first applies to actions arising on the effective date of this
23 subsection.

24 (END)