



**JIM DOYLE**  
**GOVERNOR**  
**STATE OF WISCONSIN**

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April 18, 2006

TO THE HONORABLE MEMBERS OF THE ASSEMBLY:

I am vetoing Assembly Bill 509. This bill repeals the specific exception to the immunity provision related to litigation involving failure of local governments to repair highways.

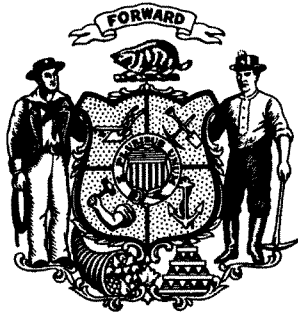
While I know that our local governments work hard to maintain safe and high quality roads, I believe that in the few instances where individuals incur damages due to a lack of timely road repairs, citizens should not be prevented from receiving reimbursement from local governments. Additionally, the existing \$50,000 statutory cap provides a reasonable limit on these damages if they occur. I would note that Wisconsin appellate courts have only applied this statute and its predecessor in 175 cases since 1884.

All levels of government are facing budget challenges and tough funding questions, but Wisconsin drivers should be assured that roads will be kept in good repair and that local governments will be responsible for damages when they fail to make repairs on a timely basis.

Respectfully submitted,

JIM DOYLE  
Governor

# State of Wisconsin



2005 Assembly Bill 509

Date of enactment:  
Date of publication\*:

## 2005 WISCONSIN ACT

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

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

SECTION 1. 893.83 (1) of the statutes is renumbered 893.83 and amended to read:

**893.83 Damages caused by highway defects accumulation of snow or ice; liability of municipality city, village, town, and county.** If damages happen to any person or his or her property by reason of the insufficiency or want of repairs of any highway that any town, city, or village is bound to keep in repair, the person sustaining the damages has a right to recover the damages from the town, city, or village. If the damages happen by reason of the insufficiency or want of repairs of a highway that any county by law or by agreement with any town, city, or village is bound to keep in repair, or that occupies any land owned and controlled by the county, the county is liable for the damages and the claim for damages shall be against the county. If the damages happen by reason of the insufficiency or want of repairs of a bridge erected or maintained at the expense of 2 or more towns, cities, villages, or counties, the action shall be brought against all of the towns, cities, villages, or coun-

ties that are liable for the repairs of the bridge. Upon recovery of judgment, the damages and costs shall be paid by the towns, cities, villages, or counties in the proportion in which they are liable for the repairs. The court may direct the judgment to be collected from each town, city, village, or county for its proportion only. The amount recoverable by any person for any damages so sustained shall not exceed \$50,000. The procedures under s. 893.80 shall apply to the commencement of actions brought under this subsection. No action may be maintained against a city, village, town, or county to recover damages for injuries sustained by reason of an accumulation of snow or ice upon any bridge or highway, unless the accumulation existed for 3 weeks. Any action to recover damages for injuries sustained by reason of an accumulation of snow or ice that has existed for 3 weeks or more upon any bridge or highway is subject to s. 893.80.

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

SECTION 3. Initial applicability.

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

\* Section 991.11, WISCONSIN STATUTES 2003-04: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].