

2007 SENATE BILL 148

April 13, 2007 – Introduced by Senators BRESKE, COGGS, LASSA, LEHMAN and COWLES, cosponsored by Representatives A. OTT, BALLWEG, MUSSER, HAHN, MURSAU, HINES, TOWNSEND, LOTHIAN, TAUCHEN, VAN ROY, SINICKI, JESKEWITZ, NYGREN, HUBLER, STRACHOTA, GUNDERSON, TURNER, MOLEPSKE and FRISKE. Referred to Committee on Campaign Finance Reform, Rural Issues and Information Technology.

1 **AN ACT** *to create* 895.488, 943.13 (4m) (d) and 943.15 (1m) of the statutes;
2 **relating to:** exempting an assessor and an assessor's staff from liability for
3 trespassing and creating immunity from civil liability.

Analysis by the Legislative Reference Bureau

Generally under current trespass law, subject to a number of exceptions, a person who enters the land of another, without permission, is subject to a Class B forfeiture. The exceptions include a person authorized to enter land to remove a wild animal and a hunter entering land that is required to be open for hunting. Also under current trespass law, a person who enters the locked or posted construction site of another, without permission, is guilty of a Class A misdemeanor.

This bill creates an exception to the prohibitions against trespassing. Under this bill, the trespassing prohibitions do not apply to an assessor or an assessor's staff entering the land, or construction site, of another to make an assessment for the state or for a political subdivision (a city, village, town, or county). For the exception to apply, the bill requires the assessor or the assessor's staff to leave in a prominent place notice that the assessor or staff entered the land or construction site.

The bill also provides immunity from civil liability for the owner or person in lawful possession of premises for any injury to or death of an assessor or a member of an assessor's staff who enters the premises without permission to make an assessment. The immunity does not apply if the injury or death resulted from

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reckless, wanton, or intentional misconduct of the owner or person in lawful possession of the premises.

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

1 **SECTION 1.** 895.488 of the statutes is created to read:

2 **895.488 Civil liability exemption; owner or person in lawful possession**
3 **of the premises. (1)** In this section:

4 (a) “Construction site” has the meaning given in s. 943.15 (2) (a).

5 (b) “Owner or person in lawful possession of the premises” has the meaning
6 given in s. 943.15 (2) (b).

7 **(2)** The owner or person in lawful possession of the premises and his or her
8 employees are immune from civil liability for the injury or death of an assessor or a
9 member of the staff of an assessor who enters onto a construction site without the
10 permission of the owner or person in lawful possession of the premises or his or her
11 employee to make an assessment on behalf of the state or a political subdivision.

12 **(3)** The immunity under this section does not apply if the injury or death
13 resulted from the reckless, wanton, or intentional misconduct of the owner or person
14 in lawful possession of the premises or his or her employee.

15 **SECTION 2.** 943.13 (4m) (d) of the statutes is created to read:

16 **943.13 (4m) (d)** An assessor and an assessor’s staff entering the land, other
17 than buildings, of another if all of the following apply:

18 1. The assessor or the assessor’s staff enters the land in order to make an
19 assessment on behalf of the state or a political subdivision.

20 2. The assessor or the assessor’s staff leaves in a prominent place on the
21 principal building on the land, or on the land if there is not a principal building, a

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1 notice informing the owner or occupant that the assessor or the assessor's staff
2 entered the land and giving information on how to contact the assessor.

3 **SECTION 3.** 943.15 (1m) of the statutes is created to read:

4 943.15 **(1m)** This section does not apply to an assessor and an assessor's staff
5 entering the construction site, other than buildings, of another if all of the following
6 apply:

7 (a) The assessor or the assessor's staff enters the construction site in order to
8 make an assessment on behalf of the state or a political subdivision.

9 (b) The assessor or the assessor's staff leaves in a prominent place on the
10 principal building at the construction site, or on the land if there is not a principal
11 building, a notice informing the owner or occupant that the assessor or the assessor's
12 staff entered the construction site and giving information on how to contact the
13 assessor.

14 (END)