



## 2011 SENATE BILL 125

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

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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4             **SECTION 1.** 893.83 (title) of the statutes is repealed.

5             **SECTION 2.** 893.83 (1) of the statutes is renumbered 893.83 and amended to  
6             read:

7             **893.83 Damages caused by highway defects accumulation of snow or**  
8             **ice; liability of municipality city, village, town, and county.** If damages  
9             happen to any person or his or her property by reason of the insufficiency or want of  
10            repairs of any highway that any town, city, or village is bound to keep in repair, the

**SENATE BILL 125****SECTION 2**

1 person sustaining the damages has a right to recover the damages from the town,  
2 city, or village. If the damages happen by reason of the insufficiency or want of  
3 repairs of a highway that any county by law or by agreement with any town, city, or  
4 village is bound to keep in repair, or that occupies any land owned and controlled by  
5 the county, the county is liable for the damages and the claim for damages shall be  
6 against the county. If the damages happen by reason of the insufficiency or want of  
7 repairs of a bridge erected or maintained at the expense of 2 or more towns, cities,  
8 villages, or counties, the action shall be brought against all of the towns, cities,  
9 villages, or counties that are liable for the repairs of the bridge. Upon recovery of  
10 judgment, the damages and costs shall be paid by the towns, cities, villages, or  
11 counties in the proportion in which they are liable for the repairs. The court may  
12 direct the judgment to be collected from each town, city, village, or county for its  
13 proportion only. The amount recoverable by any person for any damages so  
14 sustained shall not exceed \$50,000. The procedures under s. 893.80 shall apply to  
15 the commencement of actions brought under this subsection. No action may be  
16 maintained against a city, village, town, or county to recover damages for injuries  
17 sustained by reason of an accumulation of snow or ice upon any bridge or highway,  
18 unless the accumulation existed for 3 weeks. Any action to recover damages for  
19 injuries sustained by reason of an accumulation of snow or ice that has existed for  
20 3 weeks or more upon any bridge or highway is subject to s. 893.80.

21 **SECTION 3.** 893.83 (2) of the statutes is repealed.

22 **SECTION 4. Initial applicability.**

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

25

(END)