

2013 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB321)

Received: 11/4/2013 Received By: phurley
Wanted: As time permits Same as LRB:
For: Joseph Leibham (608) 266-2056 By/Representing:
May Contact: Drafter: phurley
Subject: Courts - immunity liability Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Leibham@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Noncommercial aviation on private land

Instructions:

SB321 as amended by SA1

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 11/4/2013	jdyer 11/4/2013		_____			
/1			rschluet 11/4/2013	_____	lparisi 11/4/2013	lparisi 11/4/2013	

FE Sent For:

<END>

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FE Sent For:

<END>

Hurley, Peggy

From: Moench, Lucas
Sent: Monday, November 04, 2013 9:01 AM
To: Hurley, Peggy
Subject: Sub Amendment to SB 321

Peggy-

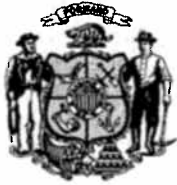
Could you draft us a substitute amendment to SB 321? The substitute should encompass SB 321, as amended by SA 1. The only change we would like to make is the sub should replace the term "noncommercial aviation" that currently exists in SB 321 as amended with the term "recreational aviation".

Let me know if you have any questions.

If possible, we would like the sub by mid-week.

Thanks,

Lucas Moench
Chief of Staff
State Senator Joe Leibham
9th Senate District
608-266-2056



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2345/A
PJH/jld/gh

2018/1/1
10/12

keep

TO SENATE SUBSTITUTE
2013 SENATE BILL 321

AMENDMENT

BY 11-5-13

October 2, 2013 - Introduced by Senators LEIBHAM, GROTHMAN, GUDEX, HANSEN, HARSDDORF and LASSA, cosponsored by Representatives TITTL, BIES, BROOKS, KAUFERT, KESTELL, KNODL, T. LARSON, MURPHY, MURTHA, RIPP, SMITH and THIESFELDT. Referred to Committee on Judiciary and Labor.

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reger

1 AN ACT to amend 895.52 (1) (g) and 895.525 (2) of the statutes; relating to:
2 limitation of a property owner's liability when lands are used for
3 noncommercial aviation.

Analysis by the Legislative Reference Bureau

Under current law, a private property owner is not generally liable for injuries sustained by a person engaging in recreational activities on the property. Under current law, a private property owner generally owes no duty to keep the property safe for recreational activities or to give recreational users a warning of an unsafe condition on the property. In order to avoid liability for injuries sustained by a person engaging in a recreational activity, the private property owner may not accept payment of more than \$2,000 in one year for allowing persons to engage in recreational activities on the property, and he or she may not maliciously act or fail to act in a manner that causes the injury.

Under current law, a person who engages in a recreational activity generally assumes the risks inherent in participating in that activity and has a duty to take certain measures to ensure his or her own safety while engaging in the activity. If a person is injured while participating in a recreational activity, he or she may be held partially or wholly liable for his or her injuries, depending on the nature of the activity and the measures the person took or failed to take to ensure his or her safety.

This bill adds noncommercial aviation as a recreational use for which a private property owner owes no duty to keep his or her property safe or to give recreational users a warning of an unsafe condition on his or her property. Under the bill, a person

SENATE BILL 321

who engages in noncommercial aviation is engaged in a recreational activity and assumes the risks inherent in the activity and is responsible for taking measures to ensure his or her own safety.

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

1 ~~SECTION 1.~~ [#] 895.52 (1) (g) of the statutes, as affected by 2013 Wisconsin Act 20,
2 is amended to read:

3 895.52 (1) (g) "Recreational activity" means any outdoor activity undertaken
4 for the purpose of exercise, relaxation or pleasure, including practice or instruction
5 in any such activity. "Recreational activity" includes hunting, fishing, trapping,
6 camping, picnicking, exploring caves, nature study, bicycling, horseback riding,
7 bird-watching, motorcycling, operating an all-terrain vehicle or utility terrain
8 vehicle, operating a vehicle, as defined in s. 340.01 (74), on a road designated under

9 s. 23.115, noncommercial aviation, ballooning, hang gliding, hiking, tobogganing,
10 sledging, sleigh riding, snowmobiling, skiing, skating, water sports, sight-seeing,
11 rock-climbing, cutting or removing wood, climbing observation towers, animal
12 training, harvesting the products of nature, sport shooting and any other outdoor
13 sport, game or educational activity. "Recreational activity" does not include any
14 organized team sport activity sponsored by the owner of the property on which the
15 activity takes place. [#]

16 ~~SECTION 2.~~ [#] 895.525 (2) of the statutes is amended to read:

17 895.525 (2) DEFINITION. In this section, "recreational activity" means any
18 activity undertaken for the purpose of exercise, relaxation or pleasure, including
19 practice or instruction in any such activity. "Recreational activity" does not include
20 participating in a snow sport at a ski area, as those terms are defined in s. 167.33,

Insert

Recreational

plain

INSERT

SENATE BILL 321

1 but includes hunting, fishing, trapping, camping, bowling, billiards, picnicking,
2 exploring caves, nature study, dancing, bicycling, horseback riding,
3 horseshoe-pitching, bird-watching, motorcycling, operating an all-terrain vehicle
4 or utility terrain vehicle, noncommercial aviation, ballooning, curling, throwing
5 darts, hang gliding, hiking, sleigh riding, snowmobiling, skating, participation in
6 water sports, weight and fitness training, sight-seeing, rock-climbing, cutting or
7 removing wood, climbing observation towers, animal training, harvesting the
8 products of nature, sport shooting, and participating in a snow sport outside a ski
9 area, as those terms are defined in s. 167.33, and any other sport, game or
10 educational activity.

11

(END)

recreational

as defined in
s. 895.52(1)(hm)

↑
SCC



**SENATE AMENDMENT 1,
TO SENATE BILL 321**

October 22, 2013 - Offered by Senator LEIBHAM.

Insert

(hm)

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At the locations indicated, amend the bill as follows:

1. Page 2, line 1: before that line insert:

~~SECTION 1~~ [#] 895.52 (1) ~~(bn)~~ ^{hm} of the statutes is created to read:

895.52 (1) ~~(bn)~~ ^{hm} "Noncommercial aviation" means the use of an aircraft, other than to provide transportation to persons or property for compensation or hire, upon privately owned land. For purposes of this definition, "privately owned land" does not include a public-use airport, as defined in s. 114.002 (18m).^{*}

Recreational

2. Page 2, line 1: delete "SECTION 1" and substitute "SECTION 1m".

3. Page 3, line 4: after "aviation," insert "as defined in s. 895.52 (1) (bn)."

(END)