

No. 559, S.]

[Published August 28, 1957.

CHAPTER 605

AN ACT to repeal and recreate 345.05 (2) of the statutes, as created by chapter 260, laws of 1957 (Bill No. 99, S.), relating to the liability of the state and municipalities for damage occasioned by the negligent operation of motor vehicles by or for the state or municipalities.

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

SECTION 1. 345.05 (2) of the statutes, as created by chapter 260, laws of 1957 (Bill No. 99, S.), is repealed and recreated to read:

345.05 (2) Any of the following may file a claim for damages against the state or municipality concerned and the governing body thereof may allow, compromise, settle and pay the same:

(a) A person suffering any damage proximately resulting from the negligent operation of a motor vehicle owned and operated by the state or a municipality, which damage was occasioned by the operation of such motor vehicle in the course of its business. For the purposes of this subsection, a motor vehicle shall be deemed owned and operated by the state or a municipality if such vehicle is either being rented or leased, or is being purchased under a contract whereby the state or municipality will acquire title.

(b) A person suffering any damage proximately resulting from the negligent operation of a motor vehicle owned or operated by the state through the agency of the Wisconsin national guard, the Wisconsin air national guard or the members or employes thereof when on state duty and whether paid from state or federal funds and which damage was occasioned by the operation of such motor vehicle in the performance of its business.

SECTION 2. This act shall take effect on the effective date of chapter 260, laws of 1957 (Bill No. 99, S.).

Approved August 14, 1957.