

1975 Assembly Bill 125

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CHAPTER 179, Laws of 1975

AN ACT to renumber and amend 29.68 (5); to amend 29.68 (3) and (5) (title); and to create 29.68 (5) (intro.), (b) and (c) of the statutes, relating to limiting liability of landowners who allow their land to be used for certain outdoor recreational activities.

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

SECTION 1. 29.68 (3) of the statutes is amended to read:

29.68 (3) LIABILITY. This section does not limit the liability which would otherwise exist for wilful or malicious failure to guard or to warn against a dangerous condition, use, structure or activity; or for injury suffered in any case where permission to hunt, fish, trap, camp, hike, snowmobile, sightsee, berry pick or to proceed with water sports or recreational uses was granted for a valuable consideration other than the valuable consideration paid to the state or to said a landowner by the state; or for injury caused by acts of persons to whom permission to hunt, fish, trap, camp, hike, snowmobile, sightsee, berry pick or to proceed with water sports or recreational uses was granted, to other persons as to whom the person granting permission, or the owner, lessee or occupant of the premises, owed a duty to keep the premises safe or to warn of danger. ~~As used in this subsection "valuable consideration" shall not include contributions to the sound management and husbandry of natural and agricultural resources of the state resulting directly from the recreational activity.~~

SECTION 2. 29.68 (5) (title) of the statutes is amended to read:

29.68 (5) (title) DEFINITIONS.

SECTION 3. 29.68 (5) of the statutes is renumbered 29.68 (5) (a) and amended to read:

29.68 (5) (a) ~~The word “premises” as used in this section~~ “Premises” includes lands, private ways and any buildings, structures and improvements thereon.

SECTION 4. 29.68 (5) (intro.) of the statutes is created to read:

29.68 (5) (intro.) In this section:

SECTION 5. 29.68 (5) (b) and (c) of the statutes are created to read:

29.68 (5) (b) “Owner” means any private citizen, a municipality as defined under s. 144.01 (12), the state, or the U.S. government, and for purposes of liability under s. 270.58, any employe of the foregoing.

(c) “Valuable consideration” does not include contributions to the sound management and husbandry of natural and agricultural resources of the state resulting directly from recreational activity, payments to landowners either in money or in kind, if the payment does not have a value in excess of \$25 annually, or those entrance fees paid to the state, its agencies or departments, municipalities as defined in s. 144.01 (12) or the U.S. government.
