

State of Wisconsin



2015 Senate Bill 315

Date of enactment: **March 1, 2016**
Date of publication*: **March 2, 2016**

2015 WISCONSIN ACT 220

AN ACT *to create* 895.5265 of the statutes; **relating to:** an exemption from civil liability related to the placement of certain structures in navigable waters and wetlands.

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

SECTION 1. 895.5265 of the statutes is created to read:
895.5265 Civil liability exemption; placement of certain structures in waterways. (1) In this section, "department" means the department of natural resources.

(2) A person is immune from civil liability for damage to personal property, injury to a person, or death caused by placing a structure on the bed of a navigable water or in a wetland if the structure is placed for the purpose of fish and wildlife habitat creation, protection, or improvement or if the structure is a net pen that meets the requirements under s. 30.12 (3) (b) 1. a., b., and c., and if any of the following applies:

(a) The department authorized the person to place the structure under a permit or other approval issued under subch. II of ch. 30 or under s. 281.36 and the person placed the structure in accordance with the permit or other approval.

(b) The person is exempt from any permit requirement under subch. II of ch. 30 or under s. 281.36 and the structure is placed in a manner that meets the exemption requirements.

(c) The person is acting under the direction of a person described under par. (a) or (b).

(2m) A person is immune from civil liability for damage to personal property, injury to a person, or death caused by a structure described under sub. (2) if the structure was placed on the bed of a navigable water or in a wetland on or adjacent to the person's property by a predecessor in title to the property.

(3) No person authorized under sub. (2) (a), (b), or (c) to place a structure in a navigable water or wetland and no person described under sub. (2m) owe to any person a duty to do any of the following:

(a) Inspect or maintain the structure.

(b) Give warning of the existence of the structure unless specifically required by law.

(c) Give warning of an unsafe condition caused by the structure.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."