



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2015 Wisconsin Act 220
[2015 Senate Bill 315]

**Liability for Habitat Structures
Placed in Navigable Waters or
Wetlands**

2015 Wisconsin Act 220 provides immunity from civil liability for damage or injury caused by the placement of certain types of structures in a navigable water or wetland. This immunity applies to people acting under an approval to place the structure in the navigable water or wetland provided by the Department of Natural Resources, or acting under an exemption from a requirement to obtain such an approval.

The immunity only applies to a person if the structure was placed for the purpose of fish and wildlife habitat creation, protection, or improvement, or if the structure is a noncommercial net pen that is used to hold and rear fish for stocking into the body of water in which it is located, and that meets certain other requirements.

The Act specifies that such a person does not owe others a duty to inspect or maintain the structure, to give warning of the existence of the structure, or to give warning of an unsafe condition caused by the structure, except a person is required to provide warning of the existence of a structure if specifically required to do so under a statute or the administrative code.

Also, the immunity created under the Act also applies to a person 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.

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LAK:mcm;jal

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.