



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-1687/2
ZDW:skw

2023 ASSEMBLY BILL 61

February 23, 2023 - Introduced by Representatives BEHNKE, JOERS, KNODL, ANDRACA, BALDEH, DOYLE, GUSTAFSON, MURPHY, O'CONNOR, RATCLIFF, SHANKLAND, SUBECK and JACOBSON, cosponsored by Senators JACQUE, HESSELBEIN and SPREITZER. Referred to Committee on Regulatory Licensing Reform.

- 1 **AN ACT to create** 20.370 (4) (gs) and 281.335 of the statutes; **relating to:** creating
2 a deicer applicators certification program and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Natural Resources to create a deicer applicators certification program and establish criteria for training individual commercial applicators in methods for snow and ice removal and deicer application that protect water quality. Under the bill, DNR must certify commercial applicators who have completed approved training and passed an exam.

The bill provides that a commercial applicator certified by DNR and the owner of real estate that contracts with a certified commercial applicator are not liable for damages arising from a hazard resulting from the accumulation of snow and ice on any real estate maintained by the certified commercial applicator when the hazard is caused solely by snow or ice and the certified commercial applicator used methods for snow and ice removal and deicer application that are taught in training approved by the department.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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

ASSEMBLY BILL 61

1 **(2) VOLUNTARY CERTIFICATION PROGRAM.** (a) The department shall create a deicer
2 applicators certification program and establish criteria for training commercial
3 applicators in methods for snow and ice removal and deicer application that protect
4 water quality. The department shall maintain a list of approved training programs
5 that meet the criteria established under this paragraph.

6 (b) The department shall certify a commercial applicator if the commercial
7 applicator successfully completes a training program approved by the department
8 under par. (a) and passes an examination approved by the department.

9 (c) The department shall maintain and publish a list of certified commercial
10 applicators on the department's website.

11 **(3) LIABILITY.** (a) A certified commercial applicator or an owner is not liable for
12 damages arising from a hazard resulting from the accumulation of snow and ice on
13 any real estate maintained by the certified commercial applicator when the hazard
14 is caused solely by snow or ice and the certified commercial applicator used methods
15 for snow and ice removal and deicer application that are taught in a training program
16 approved by the department under sub. (2) (a).

17 (b) Nothing in par. (a) limits the liability of a certified commercial applicator
18 or an owner if the certified commercial applicator or owner does any of the following:

19 1. Commits an act or omission that constitutes gross negligence or willful or
20 wanton disregard for the safety of entrants onto real estate of the owner that is
21 maintained by the certified commercial applicator and the act or omission
22 proximately causes injury, damage, or death.

23 2. Intentionally injures an entrant onto real estate of the owner that is
24 maintained by the certified commercial applicator.

