

No. 85, S.]

[Published July, 7, 1955.

**CHAPTER 316**

AN ACT to amend 85.01 (4) (g), 85.215 (1), 85.216 (1), 110.10 (6) (a) and 194.41 (1); and to create 194.41 (5) of the statutes, relating to the limitation for liability in motor vehicle accidents.

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

SECTION 1. 85.01 (4) (g) of the statutes is amended to read:

85.01 (4) (g) Automobiles, motor trucks, *motor busses*, motor delivery wagons, trailers or semitrailers owned and operated exclusively in the public service by the state \* \* \*, or by any county or municipality thereof, and motor busses owned and operated by a private school or college and used exclusively for transportation of students to and from such school or college or by a charitable corporation used exclusively for the purposes for which incorporated and not used for hire shall be registered by the motor vehicle department upon receipt of a properly filled out application blank accompanied by the payment of a registration fee of \$1 for each of said vehicles or trailers. The foregoing provision shall also apply to automobiles, motor trucks, motor delivery wagons, trailers or semitrailers loaned to the state or any county or municipality thereof for the duration of the war emergency and operated exclusively by the state or such county or municipality for civilian defense purposes. The motor vehicle department shall furnish one number plate for each automobile,

motor truck, motor bus, motor delivery wagon, motor cycle, trailer or semi-trailer, of a special series and color, and said number plates shall be renewed each year so long as it is used exclusively in the public service or for such school or college transportation. Registration fees received under this paragraph shall be credited as from the town, village or city from which said fees are received. Automobiles owned by the state and used by conservation wardens may be registered in the same manner as privately owned automobiles.

SECTION 2. 85.215 (1) of the statutes is amended to read:

85.215 (1) No person \* \* \* shall for compensation rent any motor vehicle to be operated by or with the consent of the person renting the same, unless there shall be filed with the motor vehicle department a good and sufficient bond or policy of insurance *or certificate* issued by a company or exchange organized under the laws of \* \* \* *this state* \* \* \*, or duly authorized to transact business therein, which shall provide that the company or exchange issuing the same shall be liable \* \* \* *for damage for injury or for damage due to death or damage to property, \* \* \* caused by the negligent operation of such motor vehicle, in amounts not less than the following: \$10,000 because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, \$20,000 because of bodily injury to or death of 2 or more persons in any one accident, and \$5,000 because of injury to or destruction of property of others in any one accident.*

SECTION 3. 85.216 (1) of the statutes is amended to read:

85.216 (1) Whenever any motor vehicle rented for compensation outside the state shall be operated in this state, the lessor of such motor vehicle shall be directly liable for all damages to person or property caused by the \* \* \* *negligent operation of such rented vehicle* \* \* \*, unless at the time when said injury or damage occurs the operation of the motor vehicle is effectively covered by a policy of insurance which shall provide that the insurer shall be liable for said damages to all persons suffering personal injury or death as a result of said negligence in an amount not \* \* \* *less than \$10,000 for any one accident, and, subject to said limit for one person, in the amount not less than \$20,000 because of bodily injury to or death of 2 or more persons in any one accident, and for all of said damages to or destruction of property caused by such negligence not exceeding \* \* \* \$5,000 in any one accident. The amount of liability imposed upon the lessor by this section shall not exceed \* \* \* \$10,000 for personal injury or death in any one accident, or, subject to said limit for one person, in the amount of not exceeding \$20,000 because of bodily injury to or death of 2 or more persons in any one accident, or \* \* \* not exceeding \$5,000 for damage to or destruction of property in any one accident. The fact that the rented vehicle is operated in this state contrary to any understanding or agreement with the lessor shall not be a defense to any liability imposed by this section.*

SECTION 4. 110.10 (6) (a) of the statutes is amended to read:

110.10 (6) (a) A good and sufficient bond, policy of insurance or other contract in writing in such form and containing such terms and conditions as may be approved by the department under which such indemnitor shall be directly liable for and shall pay all damages for injuries *to or for the death of persons or for damages to or destruction of property for the negligent operation of such motor vehicle in an amount not less than \* \* \* \$10,000 to or for any one person and \* \* \* \$20,000 for one accident, and up to \* \* \* \$10,000 for damage to or destruction of property in any single accident.*

SECTION 5. 194.41 (1) of the statutes is amended to read:

194.41 (1) No common carrier of property, or contract motor carrier, shall operate any motor vehicle for which a permit is required by this chapter unless it shall have on file with the motor vehicle department and in effect a good and sufficient indemnity bond, policy of insurance or other contract in writing in such form and containing such terms and conditions as may be approved by the department issued by a surety, indemnity or insurance company or exchange lawfully qualified to transact such business in this state under which such indemnitor shall assume the liability prescribed by this section with respect to such motor vehicle. Said undertaking shall be subject to the approval of the department and shall provide that the indemnitor shall be directly liable for and shall pay all damages for injuries to *or for the death of persons or for injuries to or destruction of* property that may be recovered against the owner or operator of each such motor vehicle by reason of the negligent use or operation thereof in an amount not less than (a) for injury to *or death of* persons, \* \* \* \$10,000, to *or for* any one person and \* \* \* \$20,000 for any one accident \* \* \* , or (b) for injury to *or destruction of* property, \* \* \* \$10,000 for any one accident. Such liability may be restricted so as to be inapplicable to damage claims on account of injury to *or destruction of* property transported, but the department may require an undertaking protecting the owner of the property transported by public carriers from loss or damage thereto, which undertaking shall be in such amount and under such condition as the department may require. No common motor carrier of passengers *by any motor vehicle, or other carrier of passengers by motor bus, except those licensed in accordance with s. 85.01 (4) (g)* shall operate any motor vehicle unless it shall have on file with the department a like undertaking in such form and containing such terms and conditions as may be approved by the department for the payment of damages for injuries to property in at least the amount hereinbefore specified and of damages for injuries to *or for the death of* persons, including passengers in at least the following amounts:

(a) \* \* \* \$10,000 to *or for* any one person or \* \* \* \$60,000 for any one accident for each motor vehicle having a seating capacity of 7 passengers or less;

(b) \* \* \* \$10,000 to *or for* any one person or \* \* \* \$80,000 for any one accident for each motor vehicle having a seating capacity of more than 7 and less than 16 passengers;

(c) \* \* \* \$10,000 to *or for* any one person or \* \* \* \$100,000 for any one accident for each motor vehicle having a seating capacity of more than 15 and less than 25 passengers; and

(d) \* \* \* \$10,000 to any one person or \* \* \* \$150,000 for any one accident for each motor vehicle having a seating capacity of 25 passengers or more.

SECTION 6. 194.41 (5) of the statutes is created to read:

194.41 (5) A certificate of an authorized surety, indemnity or insurance company or exchange, lawfully qualified to transact such business in this state, in a form approved by the department and certifying that there is in effect an indemnity bond, policy of insurance or other contract as required under this section, may be filed in lieu of such indemnity bond, policy of insurance or other contract.

Approved June 22, 1955.