

## **Municipal Immunity and Liability Limitation Statutes**

Wisconsin cities and villages enjoy the protection of numerous immunity and liability limitation statutes. These statutes have been frequently challenged, but consistently upheld by our courts.

Sections 59.07, 60.44,  
61.51 and 62.25

No action may be brought or maintained against a City, Town, County, or Village upon a claim or cause of action unless the claimant complies with Section 893.80 (described below).

Section 66.0313  
(Renumbered; previously was  
Section 66.305)

Provides that law enforcement agencies may request law enforcement personnel of another agency to assist the requesting agency within the requesting agency's jurisdiction and that while acting in response to such a request, responding personnel are deemed employees of the requesting agency.

Section 66.0513  
(Renumbered; previously was  
Section 66.315)

Provides that law enforcement personnel working outside of their own jurisdiction at the request of another law enforcement agency shall be entitled to wage, salary, pension and workers compensation benefits. All wage and disability payments, pension, workers compensation claims, damaged equipment or clothing, and medical expense shall be paid by the municipality regularly employing the police officer. Upon making such payment, the employing agency shall be reimbursed by the requesting agency for such costs.

Section 81.15

No action may be maintained to recover damages for injuries sustained by reason of accumulation of snow or ice upon any bridge or highway, unless the accumulation existed for three weeks. Any amount recoverable under this Section is limited to \$50,000. Claims under this Section must be filed in the manner, form and place specified in §893.80 (described below).

Section 133.18

No damages, costs or attorney fees may be recovered in unfair competition or antitrust suits against municipalities or their officers or employees who acted in an official capacity.

Section 345.05

Limits damages against municipalities to \$250,000 per cause of action for auto liability claims. Claims under this Section must be filed in the manner, form and place specified in §893.80 (described below).

Section 893.80	Limits damages against municipalities to \$50,000 per cause of action for general liability claims. This statute also establishes the procedure and timeliness applicable to all claims against municipalities. No action may be brought against a municipality unless this statute is followed. A notice of circumstances must be filed within 120 days after an incident. Failure to give notice will bar an action unless the claimant can show that the municipality had actual notice and/or the failure to give notice did not prejudice the municipality. A specific demand for damages must be made within the statute of limitations applicable to the claim before a municipality can take action. If a claim is formally denied, the claimant must initiate an action within 6 months from the date of the receipt of disallowance. If the municipality fails to take action, a demand for damages is deemed denied after 120 days and the 6 month period during which an action must be filed is commenced.
Section 895.04	Limits damages to \$350,000 for loss of society and companionship to the spouse, children or parents of a deceased adult in wrongful death claims. Limits damages to \$500,000 per occurrence for a deceased minor child.
Section 895.045	Limits joint and several liability to persons whose percentage of casual negligence is 51% or more. The liability of persons whose causal negligence is less than 51% is limited to the percentage of the total causal negligence attributable to that person. Unlimited joint and several liability still applies when two or more parties act in accordance with a common scheme or plan, commonly referred to as Wisconsin's Comparative Negligence Statute.
Section 895.46	Provides that damages against public officers or employees acting within the scope of their employment shall be paid by the employing agency.
Section 895.52	Provides municipalities with a very broad recreational immunity from liability for any injury to a person engaging in any recreation activity on the municipalities property.

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