

2005 WISCONSIN ACT 322

AN ACT to create 895.497 of the statutes; relating to: immunity from civil liability for providing safety services related to the inspection and installation of child safety restraint systems in motor vehicles.

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

SECTION 1. 895.497 of the statutes is created to read:

895.497 Liability exemption: furnishing safety services relating to child safety restraint systems. (1) In this section:

(a) "Child passenger safety technician" means a person who holds a valid certification as a child passenger safety technician or technician instructor issued by the National Highway Traffic Safety Administration or any entity authorized by the National Highway Traffic Safety Administration to issue such certifications.

(b) "Safety program" means any program utilizing the services of child passenger safety technicians and not conducted for pecuniary profit that provides assistance, inspections, education, or advice to the public in the fitting, installation, or adjustment of child safety restraint systems.

(c) "Sponsoring organization" means any person or organization that does any of the following:

1. Employs a child passenger safety technician.
2. Sponsors, offers, or organizes any safety program.
3. Owns property on which a safety program is conducted.

(2) (a) A child passenger safety technician who inspects, installs, fits, or adjusts any child safety restraint system specified under s. 347.48 (4), or who provides

education or other assistance or advice relating to the safe installation, fitting, or adjustment of child safety restraint systems, is immune from civil liability for his or her acts or omissions in rendering in good faith such services.

(b) The immunity under par. (a) does not extend to any of the following:

1. A person who receives compensation for providing the services specified in par. (a), other than reimbursement for expenses.

2. A person whose acts or omissions in providing the services specified in par. (a) involve reckless, wanton, or intentional misconduct.

(c) The good faith of a person in providing the services specified in par. (a) is presumed in any civil action if the services provided are within the scope of the person's training for which the person has been certified. Any person who asserts that the acts or omissions under par. (a) were not made in good faith has the burden of proving that assertion by clear and convincing evidence.

(3) A sponsoring organization is immune from civil liability arising from any acts or omissions of a child passenger safety technician in providing services specified in sub. (2) (a) or arising in connection with a safety program if the sponsoring organization receives no compensation for the services provided by the child passenger safety technician or for participating in the safety program.

SECTION 2. Initial applicability.

* Section 991.11, WISCONSIN STATUTES 2003-04: 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 as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

(1) This act first applies to services provided on the effective date of this subsection.
