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Oppose SB-1019

Wisconsin Safe Place Law Should Not Be Upended by Last-Minute Legislating

Current Law Emphasizes Safety. Wisconsin business owners have a legal obligation to keep their property safe for employees and customers. To meet this obligation, the business or property owner must take reasonable steps to maintain the property in a condition that is safe under Wisconsin's Safe Place Statute, which has been part of Wisconsin law since 1911. Under The Safe Place Statute, property owners and contractors are required to monitor, as well as treat and remove, accumulations of snow and ice that create unsafe conditions on the property.

Typically, in the context of legal disputes arising when somebody has fallen and been injured because of snow and/or ice, the inquiry focuses on whether the property owner or contractor took appropriate steps to timely respond to the weather conditions present. The examination very rarely, if ever, focuses on the amount of de-icer used in maintaining the property.

Veto Concerns Not Answered: SB-1019 Is Still Not Ready to Become Law. While this bill does make some favorable changes in response to concerns articulated by the Administration, as well as WAJ, this bill is still not ready to become law. The bill continues to have significant ambiguities that will prevent any training program from functioning well in practice. Additionally, and most concerning, the bill continues to offer too few specifics about how the legal liability framework, in this version, a presumption of non-liability, would work when implemented. For example, this bill continues to mix language involving individuals receiving training and businesses that hire and employ them. For example, "what constitutes a work crew that is trained in salt reduction?" is a question that this bill does not answer.

SB-1019 Undermines Itself by Giving Legal Protection to Non-Participating Contractors. The purpose of this bill is to entice snow removal contractors and property owners to use less road salt on private parking lots, driveways, and sidewalks. Just like last session's failed SB-52/AB-61 (Substitute 2) [which Governor Evers rightly vetoed](#), this bill continues to bar evidence of this program from being admitted in any legal proceeding not involving a registered contractor.

When proposed, the immunity or presumption language in the bill was touted as a carrot to entice contractors and property owners to get certified and follow best practices. The language in this section prohibits information about the program from being used in virtually any other legal proceeding. Limiting the program from being discussed does nothing to encourage the adoption of the program and undermines the establishment of program criteria and methods as industry best practices. If you wanted to entice people to participate in the program, you would not protect those who do not.

Proponents Must Not Believe that Program is an Industry Best Practice. Providing legal protection to non-participating contractors suggests that the proponents do not believe that the salt reduction program they are advancing is a best practice for snow and ice removal and customer safety.