



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2009 Wisconsin Act 68
[2009 Assembly Bill 136]

**Tax Assessors Exempt from
Liability for Trespassing**

Current trespass law generally states that a person may not enter the land of another without permission of the owner or occupant, with the following three exceptions: (1) a person entering land, excluding residences and other buildings, for the purpose of removing a wild animal; (2) a hunter entering land required to be open for hunting; and (3) a person entering or remaining on any exposed shore area of a stream. A person is also prohibited from entering the locked or posted construction site or the locked and enclosed building, dwelling, or room of another without consent of the owner or person in lawful possession of the premises.

2009 Wisconsin Act 68 (the Act), provides that the prohibitions related to trespassing, described above, do not apply to an assessor or the assessor's staff entering the land of another or a construction site, other than a building, agricultural land or pasture, or livestock confinement area, of another, if all of the following apply:

- The assessor or the assessor's staff enters the land in order to make an assessment on behalf of the state or a political subdivision.
- The assessor or the assessor's staff enters the land on a weekday during daylight hours, or at another time as agreed upon with the land owner.
- The assessor or the assessor's staff spends no more than one hour on the land.
- The assessor or the assessor's staff does not open doors, enter through open doors, or look into windows of structures on the land.
- The assessor or the assessor's staff leaves a notice in a prominent place on the principal building on the land, or on the land itself if there is not a principal building. The notice is to inform the owner or occupant that the assessor or the assessor's staff entered the land and to give information on how to contact the assessor.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

- The assessor or the assessor's staff has not personally received a notice from the owner or occupant, either orally or in writing, not to enter or remain on the premises.

The Act limits the number of times an assessor or the assessor's staff may enter a person's real property for purposes of conducting an assessment to once a year. The assessor or the assessor's staff may enter more often, however, if the property owner consents. The Act also prohibits the assessor or the assessor's staff from entering the property if the owner has given prior notice that the assessor may not enter without the owner's permission. The Act requires each taxation district assessor to create and maintain a database identifying property owners who have given this notice.

The Act also requires that a city, village, or town publish a notice, which includes the approximate dates of the revaluation of the property and describes the authority of the assessor to enter the land. The notice shall be posted on the municipality's website, or in at least three public places if the municipality does not have a website.

Effective date: November 26, 2009

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