

LAW NOTE FOR TRIAL JUDGES**2900 TORT IMMUNITY: IMMUNITIES ABROGATED**

No instruction is necessary on the question of immunity. Following is a list of the immunities which have been abrogated.

1. Immunity of parent against action by unemancipated minor child. Eliminated by Goller v. White, 20 Wis.2d 402, 122 N.W.2d 193 (1963). Effective date: June 28, 1963.
2. Immunity of unemancipated minor child against action by parent. Eliminated by Ertl v. Ertl, 30 Wis.2d 372, 141 N.W.2d 208 (1966). Effective date: June 28, 1963.
3. Immunity of husband against action by wife. Eliminated by Wait v. Pierce, 191 Wis. 202, 209 N.W. 475, 210 N.W. 822 (1926). Effective date: March 19, 1881, date of publication of Chapter 99, Laws of 1881, Wis. Stat. § 246.07 (1965).
4. Immunity of wife against action by husband. Eliminated by Wis. Stat. § 246.075 (1965) (as to personal injuries only). Effective date: May 24, 1947, date of publication of Chapter 164, Laws of 1947.
5. Immunity of charitable organizations.
 - a. As to paying hospital patients. Eliminated by Kojis v. Doctors Hosp., 12 Wis.2d 367, 107 N.W.2d 131, 107 N.W.2d 292 (1961). Effective date: January 10, 1961.
 - b. As to nonpaying, charitable, or indigent patients. Eliminated by Duncan v. Steeper, 17 Wis.2d 226, 116 N.W.2d 154 (1962). Effective date: January 10, 1961.
6. Immunity of religious organizations. Eliminated by Wedell v. Holy Trinity Catholic Church, 19 Wis.2d 648, 121 N.W.2d 249 (1963). Effective date: July 1, 1963.

7. Immunity of governmental bodies. Eliminated by Holytz v. Milwaukee, 17 Wis.2d 26, 115 N.W.2d 618 (1962). Effective date: July 15, 1962.

8. Immunity from direct action of "no-action clause" insurers, with respect to accidents outside of Wisconsin. Eliminated by Chapter 14, Laws of 1967 (Wis. Stat. § 260.11(1)). Effective date: April 1, 1967 (see Miller v. Wadkins, 31 Wis.2d 281, 142 N.W.2d 855 (1965)).

9. Immunity of tortfeasor from suit by wife for loss of husband's consortium. Eliminated by Moran v. Quality Aluminum Casting Co., 34 Wis.2d 542, 150 N.W.2d 137 (1966). Effective date: July 15, 1921. (Date of publication of Chapter 529, Laws of 1921, enacting Wis. Stat. § 6.015, now § 246.15.)

COMMENT

This law note was approved by the Committee in 1969. Nonsubstantive editorial changes were made in 1993.