

**2011 Jr1 DRAFTING REQUEST**

**Assembly Amendment (AA-AB1)**

Received: 01/14/2011

Received By: tkuczens

Wanted: As time permits

Companion to LRB:

For: Jim Ott (608) 266-0486

By/Representing: Anne Sappenfield

May Contact:

Drafter: tkuczens

Subject: Courts - torts  
Courts - miscellaneous

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.OttJ@legis.wisconsin.gov

Carbon copy (CC:) to: tracy.kuczenski@legis.wisconsin.gov

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**Pre Topic:**

No specific pre topic given

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**Topic:**

tort reform amendment compile plus punitive damages cap does not apply to injuries sustained by driver under influence of intoxicant

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 01/14/2011	wjackson 01/14/2011		_____			
/1			rschluet 01/14/2011	_____	lparisi 01/14/2011	lparisi 01/14/2011	

FE Sent For:

<END>

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/?	tkuczens	1 wlj/14		_____	_____		

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<END>

Rep. J. OH

\* special session \*

1/14/11

create "new" AAI (LRB a 0003/1) by including  
exceptions from punitive damages cap for  
plaintiffs who sustain injuries from a "drunk" driver

- apply to motor vehicles, snowmobiles, boats, etc.
- include alcohol and other intoxicants



State of Wisconsin  
 2011 - 2012 LEGISLATURE  
 January 2011 Special Session

LRB a 0101/1



LRBa0063/1  
 PJH&TKK:wlj:rs

stays insert

RMMR

ASSEMBLY AMENDMENT,  
 TO ASSEMBLY BILL 1

1/14/11

Today

Insert 1-6

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 17, line 10: delete lines 10 to 25 and substitute:
- 3 "SECTION 23m. 895.043 (6) of the statutes is created to read:
- 4 895.043 (6) LIMITATION ON DAMAGES. Punitive damages received by the plaintiff
- 5 may not exceed twice the amount of any compensatory damages recovered by the
- 6 plaintiff or \$200,000, whichever is greater".
- 7 **2.** Page 18, line 1: delete lines 1 to 3.
- 8 **3.** Page 28, line 6: delete lines 6 to 17 and substitute:
- 9 "SECTION 34m. 907.02 of the statutes is renumbered 907.02 (1) and amended
- 10 to read:
- 11 907.02 (1) If scientific, technical, or other specialized knowledge will assist the
- 12 trier of fact to understand the evidence or to determine a fact in issue, a witness
- 13 qualified as an expert by knowledge, skill, experience, training, or education, may

1 testify thereto in the form of an opinion or otherwise, if the testimony is based upon  
2 sufficient facts or data, the testimony is the product of reliable principles and  
3 methods, and the witness has applied the principles and methods reliably to the facts  
4 of the case.”.

5 **4.** Page 30, line 24: delete “895.043 (3), 907.01,” and substitute “907.01”.

6 **5.** Page 30, line 24: delete the material beginning with “sections 895.043” and  
7 ending with “907.01 (3),” on line 25 and substitute “sections 907.01 (3)”.

8 **6.** Page 30, line 25: delete “907.02 (1) (a), (b), and (c) and (2)” and substitute  
9 “907.02 (2)”.

10 **7.** Page 31, line 1: delete “or continued”.

11 (END)

2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBa0101/?ins  
TKK:.....

1           **Insert 1-6**

2           <sup>No 11</sup> This subsection does not apply to a plaintiff seeking punitive damages from a  
3           defendant whose actions under sub. (3) included the operation of a vehicle, including  
4           a motor vehicle as defined under s. 340.01 (35)<sup>✓</sup>, a snowmobile as defined under s.  
5           340.01 (58a)<sup>✓</sup>, an all-terrain vehicle as defined under s. 340.01 (2g)<sup>✓</sup>, and a boat as  
6           defined under 30.50 (2)<sup>✓</sup>, while under the influence of an intoxicant to a degree ~~which~~  
7           <sup>that rendered</sup> ~~renders~~ the defendant incapable of safe operation of the vehicle. In this subsection,  
8           <sup>✓</sup> ~~intoxicant~~ <sup>✓</sup> has the meaning given in s. 30.50 (4e).