



JIM DOYLE
GOVERNOR
STATE OF WISCONSIN

April 14, 2006

TO THE HONORABLE MEMBERS OF THE SENATE:

I am vetoing SB 447. This bill substantially heightens the standard for when punitive damages may be awarded. Specifically, the bill provides that punitive damages may only be awarded when a defendant either acted with the “intent to cause injury to a particular person or persons” or where the defendant knew that his or her conduct “was practically certain to result in injury to one or more persons.”

Punitive damages should be rarely granted; however, this bill would make it virtually impossible to ever obtain such damages. Appropriately applied, punitive damages can lead to important safety changes. From asbestos products to highly flammable children’s pajamas, punitive damages have protected the public by prompting unsafe products to be taken off the market. Manufacturers of these products were often aware of the hazard, but failed to disclose it to the public. Under this bill, many of these reasonable punitive damages awards would have been unavailable, putting Wisconsin citizens at risk.

Moreover, current law already provides a check to excessive punitive damage awards. If a jury returns a damage amount that is unreasonable, a defendant may challenge the validity of the amount and a judge may reduce it appropriately. In fact, the vast majority of punitive damage awards are not the \$100 million payout heard about in the news. The U.S. Department of Justice Bureau of Justice Statistics recently found that the median punitive damage award to plaintiffs determined by a jury was \$50,000, while the median award determined by a bench trial was \$46,000.

It is important to balance the rights of citizens against the protections for businesses. However, this bill goes too far to protect businesses at the expense of the citizens of Wisconsin. Their rights also need to be protected, and that is why I am vetoing this bill.

Respectfully submitted,

JIM DOYLE
Governor