

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3000/P1dn
EVM:kjf:jf

October 8, 2013

ATTN: Terry Tuschen

Please review the attached draft carefully to ensure that it is consistent with your intent. This draft uses the construction “property damage of \$xxxx,” similar to the construction in the drafting instructions. This language is somewhat ambiguous. It could be read to include solely damage to the injured party’s vehicle or it could include damage to additional property, even the violator’s property, if the damage can be construed as reasonably caused by the accident. The latter construction could lead to unusual results in particular cases. In addition, the determination of the amount of damage may be subject to varying calculations. For example, is the damage to a vehicle the reduction in value or the amount reasonably necessary to repair the vehicle? The language of this draft appears to allow either approach. An example of a different approach can be found in s. 943.01 (2) (d), stats.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible “/1” draft.

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