



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBb1262/2
RPN:nwn:jf

**ASSEMBLY AMENDMENT 17,
TO ASSEMBLY AMENDMENT 122,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 75**

June 11, 2009 – Offered by Representative NYGREN.

1 At the locations indicated, amend the amendment as follows:

2 **1.** Page 77, line 8: after that line insert:

3 “335m. Page 1667, line 3: after that line insert:

4 “**SECTION 3272g.** 895.045 (1) of the statutes is amended to read:

5 895.045 (1) COMPARATIVE NEGLIGENCE. Contributory negligence does not bar
6 recovery in an action by any person or the person’s legal representative to recover
7 damages for negligence resulting in death or in injury to person or property, if that
8 negligence was not greater than the negligence of the person against whom recovery
9 is sought, but any damages allowed shall be diminished in the proportion to the
10 amount of negligence attributed to the person recovering. The negligence of the
11 plaintiff shall be measured separately against the negligence of each person found

1 to be causally negligent. The liability of each person found to be causally negligent
2 whose percentage of causal negligence is less than ~~51%~~ 60 percent is limited to the
3 percentage of the total causal negligence attributed to that person. A person found
4 to be causally negligent whose percentage of causal negligence is ~~51%~~ 60 percent or
5 more shall be jointly and severally liable for the damages allowed.”.”.

6 **2.** Page 95, line 6: after that line insert:

7 “404g. Page 1861, line 14: after that line insert:

8 “(2gv) CONTRIBUTORY NEGLIGENCE. The treatment of section 895.045 (1) of the
9 statutes first applies to acts or omissions that occur on the effective date of this
10 subsection.”.”.

11 (END)