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State of Misconsin 2011 - 2012 LEGISLATURE



January 2011 Special Session

ASSEMBLY AMENDMENT 8, TO ASSEMBLY BILL 1

January 18, 2011 - Offered by Committee on Judiciary and Ethics.

At the locations indicated, amend the bill as follows:

1. Page 17, line 10: delete lines 10 to 25 and substitute:

"Section 23m. 895.043 (6) of the statutes is created to read:

895.043 (6) Limitation on damages. Punitive damages received by the plaintiff may not exceed twice the amount of any compensatory damages recovered by the plaintiff or \$200,000, whichever is greater. This subsection does not apply to a plaintiff seeking punitive damages from a defendant whose actions under sub. (3) included the operation of a vehicle, including a motor vehicle as defined under s. 340.01 (35), a snowmobile as defined under s. 340.01 (58a), an all-terrain vehicle as defined under s. 340.01 (2g), and a boat as defined under 30.50 (2), while under the influence of an intoxicant to a degree that rendered the defendant incapable of safe operation of the vehicle. In this subsection, "intoxicant" has the meaning given in s. 30.50 (4e).".

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- **2.** Page 18, line 1: delete lines 1 to 3.
 - **3.** Page 28, line 6: delete lines 6 to 17 and substitute:
- 3 "Section 34m. 907.02 of the statutes is renumbered 907.02 (1) and amended to read:
 - 907.02 (1) If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion or otherwise, if the testimony is based upon sufficient facts or data, the testimony is the product of reliable principles and methods, and the witness has applied the principles and methods reliably to the facts of the case."
 - **4.** Page 30, line 24: delete "895.043 (3), 907.01," and substitute "907.01".
- 13 **5.** Page 30, line 24: delete the material beginning with "sections 895.043" and ending with "907.01 (3)," on line 25 and substitute "sections 907.01 (3)".
- **6.** Page 30, line 25: delete "907.02 (1) (a), (b), and (c) and (2)" and substitute "907.02 (2)".
- 7. Page 31, line 1: delete "or continued".

18 (END)