



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3584/1
TKK:cmh:rs

2011 SENATE BILL 342

December 19, 2011 - Introduced by Senators TAYLOR, RISSER and C. LARSON, cosponsored by Representatives RICHARDS, ROYS, BERCEAU, BEWLEY, CLARK, GRIGSBY, HEBL, PASCH, POCAN, SINICKI and C. TAYLOR. Referred to Committee on Judiciary, Utilities, Commerce, and Government Operations.

1 **AN ACT to repeal** 895.043 (6) of the statutes; **relating to:** awards of punitive
2 damages.

Analysis by the Legislative Reference Bureau

Under current law, a person injured by a negligent person can recover the damages resulting from the injury. Damages include economic damages, such as the injured person's medical costs, and noneconomic damages, such as compensation or pain and suffering. In addition, under current law, the plaintiff may recover punitive damages if he or she can prove that the defendant acted maliciously toward the plaintiff or in an intentional disregard of the rights of the plaintiff. Current law limits the amount of punitive damages that may be awarded to twice the amount of any compensatory damages recovered by the plaintiff or \$200,000, whichever is greater. The limitation on damages does not apply if the conduct of the defendant included the operation of a vehicle, including a motor vehicle, a snowmobile, an all-terrain vehicle, and a boat, while under the influence of an intoxicant to a degree that rendered the defendant incapable of safe operation of the vehicle.

The bill eliminates the limitation on the amount of punitive damages that may be awarded to a plaintiff.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

