



WISCONSIN ASSOCIATION
OF CONVENTION
& VISITORS BUREAUS

The Wisconsin Association of Convention and Visitors Bureau (WACVB) respectfully requests that the budget bill (AB 75) provisions relating to joint and several liability, contributory negligence and jury instructions be removed from the budget bill to ensure that these proposals be given fair and deliberate consideration. WACVB represents Wisconsin's top destination marketing organizations that collaboratively drive tourism economic development growth in Wisconsin.

- It is unfair to make a person or business only 1% at fault potentially have to pay 100% of a plaintiff's damages.
- Water parks, hotels, golf courses, ski hills, campgrounds, you name it, will all be subjected to litigation under these proposals.
- More liability means substantially higher insurance premiums, which in turn means substantially higher costs for consumers. (In some cases, businesses will not be able to afford the increased insurance premiums, or worse yet, insurers may simply not offer them any insurance.)
- This is especially troublesome during this economic recession. Many in the tourism industry are struggling to stay afloat. These provisions, coupled with the harsh economic times, may drive many companies out of business.
- Wisconsin relies heavily on the tourism industry. In 2006, traveler spending in Wisconsin generated \$1.5 billion in state tax revenue.
- **Wisconsin's tourism industry cannot afford these provisions. Please remove the joint and several liability and contributory negligence provisions from the budget (AB 75).**

Joint and Several Liability (AB 75, page 1605)

- Anyone with equal or greater fault than the plaintiff can be held 100% responsible ("jointly and severally liable") even if only 1% at fault.
- In the few states with this law, plaintiff lawyers sue people or entities that have only minimal connection with the lawsuit. Defendants in states with such expansive joint and several liability laws often settle out of court for fear of being saddled with paying the entire judgment even though they are only partially liable.
- Under Wisconsin's current law a defendant can only be fully liable for all damages if 51% or more at fault.

Contributory Negligence (AB 75, page 1605)

- A plaintiff could recover from a defendant even if the plaintiff is more at fault than the particular defendant.
- Never before has Wisconsin law required someone to pay damages to another who is more at fault.
- Plaintiffs will recover more damages and more defendants will be paying damages as a result of the change to the comparative negligence law.
- Under Wisconsin's current law, a plaintiff may only recover from a defendant if the defendant is more at fault than the plaintiff.

Jurors to be Told of the Effect of their Verdicts (AB 75, page 1588)

- The court must inform the jury how the jury's findings on fault affect responsibility for damages; that is, to allow the jury to adjust fault determinations to maximize awards.
- Existing law limits a jury's duty to fact finding, consistent with over a one hundred-year rule of jurisprudence. Prior to 1995, the jury was not instructed how to modify findings of fault to maximize awards.