



2023 BILL

1 **AN ACT to create** 895.30 of the statutes; **relating to:** limiting the recovery of
2 noneconomic damages from a commercial motor vehicle carrier.

Analysis by the Legislative Reference Bureau

This bill limits the total amount of noneconomic damages, such as pain and suffering, that a person may recover from a commercial motor vehicle carrier for injury, death, or other loss resulting from an act or omission by an employee of the commercial motor vehicle carrier while acting within the scope of employment to \$1,000,000.

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

3 **SECTION 1.** 895.30 of the statutes is created to read:
4 **895.30 Claims against commercial motor vehicle carriers; limitation**
5 **of damages.** (1) In this section:
6 (a) “Commercial motor vehicle” means a motor vehicle designed or used to
7 transport property and having one or more of the characteristics described under s.
8 340.01 (8) (a), (b), or (d).

BILL**SECTION 1**

1 (b) “Commercial motor vehicle carrier” means any person that transports
2 property by commercial motor vehicle upon the public highways.

3 (2) The total noneconomic damages a person may recover from a commercial
4 motor vehicle carrier in a civil action founded on tort for injury, death, or other loss
5 resulting from an act or omission by an employee of the commercial motor vehicle
6 carrier while acting within the scope of employment may not exceed \$1,000,000.

7 (3) A court in an action tried without a jury shall make a finding as to
8 noneconomic damages without regard to the limit under sub. (2). If the court finds
9 that noneconomic damages exceed the limit, the court shall make any reduction
10 required under s. 895.045 and shall award as noneconomic damages the lesser of the
11 reduced amount or the limit. If an action is before a jury, the jury shall make a finding
12 as to noneconomic damages without regard to the limit under sub. (2). If the jury
13 finds that noneconomic damages exceed the limit, the jury shall make any reduction
14 required under s. 895.045, and the court shall award as noneconomic damages the
15 lesser of the reduced amount or the limit.

16 **SECTION 2. Initial applicability.**

17 (1) This act first applies to an act or omission that occurs on the effective date
18 of this subsection.

19 (END)