



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa1502/1
RPN:bjk:jf

**ASSEMBLY AMENDMENT 3,
TO 2009 ASSEMBLY BILL 453**

February 25, 2010 – Offered by Representative STASKUNAS.

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

2 **1.** Page 1, line 3: after “child” insert “and limits on recovery against the state
and local political subdivisions”.

3 **2.** Page 2, line 18: after that line insert:

4 “**SECTION 4d.** 893.587 (4) of the statutes is created to read:

5 893.587 (4) The limits on the amount recoverable under ss. 893.80 (3) and
6 893.82 (6) do not apply to an action to recover damages for a cause of action described
7 under sub. (2).

8 **SECTION 5g.** 893.80 (3) of the statutes is amended to read:

9 893.80 (3) Except as provided in this subsection and s. 893.587 (4), the amount
10 recoverable by any person for any damages, injuries or death in any action founded
11 on tort against any volunteer fire company organized under ch. 181 or 213, political
12 corporation, governmental subdivision or agency thereof and against their officers,

1 officials, agents or employees for acts done in their official capacity or in the course
2 of their agency or employment, whether proceeded against jointly or severally, shall
3 not exceed \$50,000. The Except as provided in s. 893.587 (4), the amount recoverable
4 under this subsection shall not exceed \$25,000 in any such action against a volunteer
5 fire company organized under ch. 181 or 213 or its officers, officials, agents or
6 employees. If Except as provided in s. 893.587 (4), if a volunteer fire company
7 organized under ch. 181 or 213 is part of a combined fire department, the \$25,000
8 limit still applies to actions against the volunteer fire company or its officers,
9 officials, agents or employees. No punitive damages may be allowed or recoverable
10 in any such action under this subsection.

11 **SECTION 6m.** 893.82 (6) of the statutes is amended to read:

12 893.82 (6) The Except as provided in s. 893.587 (4), the amount recoverable by
13 any person or entity for any damages, injuries or death in any civil action or civil
14 proceeding against a state officer, employee or agent, or against a nonprofit
15 corporation operating a museum under a lease agreement with the state historical
16 society, including any such action or proceeding based on contribution or
17 indemnification, shall not exceed \$250,000. No punitive damages may be allowed or
18 recoverable in any such action.”.

19 (END)