



# Tony Evers

OFFICE OF THE GOVERNOR

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March 29, 2024

TO THE HONORABLE MEMBERS OF THE SENATE:

I am vetoing Senate Bill 613 in its entirety.

This bill would create a \$1,000,000 cap on the total noneconomic damages a person may recover from a commercial motor vehicle carrier in a tort action for loss, including injury or death, arising from an act or omission of one of its employees acting within the scope of their employment.

I am vetoing this bill for several reasons. First, I am vetoing this bill because I object to arbitrarily capping the noneconomic damages that a person may recover in tort actions involving a motor vehicle carrier. A fundamental principle of our legal system is that everyone is entitled to remedies in the law for all injuries, and when it comes to remedy, the law should redress a party's injury, not repress an injured party.

I am also vetoing this bill because I object to legislation that violates constitutional principles. A fundamental principle, outlined in article I, section 9 of the Wisconsin Constitution, is that everyone is entitled to remedies in the law for all injuries. I am concerned this bill fundamentally violates this principle as well as equal protection guarantees and due process rights under the United States and Wisconsin Constitutions.

Finally, I am vetoing this bill because I object to legislation that is inconsistent with current law. Even if the bill withstood constitutional scrutiny, its incongruity with current law will create implementation issues and make it subject to litigation. For instance, unlike current statutory caps, the bill does not define "noneconomic damages," it does not address or contemplate multiple parties or occurrences and it does not cross reference wrongful death actions. Courts would almost certainly face challenges implementing the bill's provisions as this incongruity welcomes continuous litigation.

Respectfully submitted,

Tony Evers  
Governor