



WISCONSIN STATE SENATOR
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Should “the Pottery Barn Rule” Apply to Damage Caused by
State Highway’s Lack of Repair?

Yes, says Sen. Tim Carpenter – if break it, you pay for it. If someone suffers damage from ill-maintained state highways, the state should be liable.

Madison – Today State Senator Tim Carpenter (D-Milwaukee) introduced a bill that allows people to sue the State of Wisconsin for damages resulting from “an insufficiency or want of repairs of a state highway.”

“Former Secretary of State Colin Powell famously invoked the Pottery Barn Rule: ‘if you break it, you pay for it.’ Well if the State of Wisconsin is unable or unwilling to find a long term transportation funding solution sufficient to keep state roads from causing damages to cars and property, it should at least be responsible for the damages caused by such ill maintained state highways,” said Carpenter.

“A bad pothole can knock a car out of alignment, bend rims, damage tires and suspension. I’m told that in older cars, the lower ball joint can get knocked lose. If an insurance claim needs to be made, premiums could increase,” said Carpenter.

One national transportation research group has estimated that the average annual additional cost to driving in Milwaukee due to roads of unacceptable riding quality to be \$753 per year. (The figure for Madison Wisconsin is \$685 per year)

Even worse is the potential for causing an accident leading to injury or loss of life.

The bill removes the state’s immunity for such damages up to \$50,000.

(It is appropriate to note that Pottery Barn public relations has said that it actually does not follow this rule.)

Senator Carpenter’s press releases are available for review at
<http://legis.wisconsin.gov/senate/carpenter/PressReleases/>

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