



2003 ASSEMBLY BILL 568

October 6, 2003 - Introduced by Representatives GARD, KRAWCZYK, OWENS, LEMAHIEU, F. LASEE and VAN ROY, cosponsored by Senator ROESSLER. Referred to Committee on Corrections and the Courts.

1 **AN ACT** *to amend* 801.10 (4) (a); and *to create* 801.10 (1m) of the statutes;
2 **relating to:** service of a summons by certain nonresidents.

Analysis by the Legislative Reference Bureau

Current law permits a summons initiating a civil action to be served by any adult resident of the state where service is made, if that person is not a party to the action. This bill allows an adult who resides in Illinois, Iowa, Michigan, or Minnesota and who is not a party to the action to serve a summons in Wisconsin.

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

3 **SECTION 1.** 801.10 (1m) of the statutes is created to read:
4 801.10 (1m) SERVICE BY CERTAIN NONRESIDENTS. Notwithstanding sub. (1), an
5 adult who is not a party to the action and who resides in Illinois, Iowa, Michigan, or
6 Minnesota may serve an authenticated copy of the summons in this state.
7 **SECTION 2.** 801.10 (4) (a) of the statutes is amended to read:
8 801.10 (4) (a) Personal or substituted personal service shall be proved by the
9 affidavit of the server indicating the time and date, place and manner of service; that

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1 the server is an adult resident of the state of service or, if service is made in this state,
2 of Illinois, Iowa, Michigan, or Minnesota and is not a party to the action; that the
3 server knew the person served to be the defendant named in the summons; and that
4 the server delivered to and left with the defendant an authenticated copy of the
5 summons. If the defendant is not personally served, the server shall state in the
6 affidavit when, where and with whom the copy was left, and shall state such facts
7 as show reasonable diligence in attempting to effect personal service on the
8 defendant. If the copy of the summons is served by a sheriff or deputy sheriff of the
9 county in this state where the defendant was found, proof may be by the sheriff's or
10 deputy's certificate of service indicating time and date, place, manner of service and,
11 if the defendant is not personally served, the information required in the preceding
12 sentence. The affidavit or certificate constituting proof of service under this
13 paragraph may be made on an authenticated copy of the summons or as a separate
14 document.

15 (END)