



2011 ASSEMBLY BILL 106

April 26, 2011 - Introduced by Representatives BALLWEG, BERNIER, BEWLEY, BROOKS, DANOU, HONADEL, LEMAHEU, MARKLEIN, MURSAU, NERISON, A. OTT, PETERSEN, PETROWSKI, RIPP, RIVARD, SPANBAUER, VAN ROY, VOS, WYNN and ZIEGELBAUER, cosponsored by Senators MOULTON, HANSEN, LASSA, LAZICH and SCHULTZ. Referred to Committee on Judiciary and Ethics.

1 **AN ACT** *to amend* 799.01 (1) (c), 799.01 (1) (d) (intro.), 799.01 (2), 814.62 (3) (a)
2 and 814.62 (3) (d) 2. of the statutes; **relating to:** increasing the jurisdictional
3 amount in and the filing fee for small claims actions.

Analysis by the Legislative Reference Bureau

This bill increases the jurisdictional limit in small claims actions from \$5,000 to \$10,000.

Currently, a plaintiff must pay a \$22 filing fee to begin a small claims action. Of that amount, the county retains \$10.20 and the balance goes to the general fund. This bill raises the filing fee to \$44, increases the amount retained by the county to \$31.20, and increases the amount paid to the general fund to \$12.80.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

4 **SECTION 1.** 799.01 (1) (c) of the statutes is amended to read:
5 799.01 (1) (c) *Replevins.* Actions for replevin under ss. 810.01 to 810.13 where
6 the value of the property claimed does not exceed ~~\$5,000~~ \$10,000.

ASSEMBLY BILL 106**SECTION 2**

1 **SECTION 2.** 799.01 (1) (d) (intro.) of the statutes is amended to read:

2 799.01 (1) (d) *Other civil actions.* (intro.) Other civil actions where the amount
3 claimed is ~~\$5,000~~ \$10,000 or less, if the actions or proceedings are:

4 **SECTION 3.** 799.01 (2) of the statutes is amended to read:

5 799.01 (2) PERMISSIVE USE OF SMALL CLAIMS PROCEDURE. A taxing authority may
6 use the procedure in this chapter in an action to recover a tax from a person liable
7 for that tax where the amount claimed, including interest and penalties, is \$5,000
8 \$10,000 or less. This chapter is not the exclusive procedure for those actions.

9 **SECTION 4.** 814.62 (3) (a) of the statutes is amended to read:

10 814.62 (3) (a) In a small claims action under ch. 799, at the time of issuance of
11 a summons or other process in a proceeding not commenced by a summons, the
12 plaintiff shall pay to the clerk of court a fee of ~~\$22~~ \$44.

13 **SECTION 5.** 814.62 (3) (d) 2. of the statutes is amended to read:

14 814.62 (3) (d) 2. Of the fees received by the clerk under par. (a), the county
15 treasurer shall pay ~~\$11.80~~ \$12.80 to the secretary of administration for deposit in the
16 general fund and shall retain the balance for the use of the county. The secretary of
17 administration shall credit the ~~\$11.80~~ \$12.80 to the appropriation under s. 20.680
18 (2) (j).

19 **SECTION 6. Initial applicability.**

20 (1) This act first applies to actions commenced or claims made on the effective
21 date of this subsection.

22 **SECTION 7. Effective date.**

23 (1) This act takes effect on January 1, 2012.

24

(END)