

2013 DRAFTING REQUEST

Bill

Received: **5/29/2013** Received By: **tkuczens**
Wanted: **As time permits** Same as LRB: **-2499**
For: **John Spiros (608) 266-1182** By/Representing: **Jessica Karls-Ruplinger**
May Contact: Drafter: **tkuczens**
Subject: **Courts - limitations** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Rep.Spiros@legis.wisconsin.gov**
Carbon copy (CC) to: **jessica.karls@legis.wisconsin.gov**
tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Statute of limitations for bringing a claim related to a motor vehicle accident covered by an insurance policy

Instructions:

Copy file from LRB-1797 (missing jacket)

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 5/30/2013	jdyer 5/30/2013	jmurphy 5/30/2013	_____			
/1	tkuczens 5/31/2013	jdyer 5/31/2013	phenry 5/31/2013	_____	lparisi 5/30/2013		
/2				_____	sbasford	sbasford	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
				_____	5/31/2013	8/21/2013	

FE Sent For:

↳ Not
Needed

<END>

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/1	tkuczens 5/31/2013	jdyer 5/31/2013	phenry 5/31/2013	_____		lparisi 5/30/2013	
/2				_____		sbasford	

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/?	tkuczens 5/30/2013	jdye 5/30/2013	jmurphy 5/30/2013	_____			
/1		25/31 jld	4/31 ph	_____	lparisi 5/30/2013		

FE Sent For:

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Wanted: As time permits Same as LRB:

For: John Spiros (608) 266-1182 By/Representing: Jessica Karls-Ruplinger

May Contact: Drafter: tkuczens

Subject: Courts - limitations Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Spiros@legis.wisconsin.gov

Carbon copy (CC) to: jessica.karls@legis.wisconsin.gov
tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

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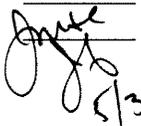
Topic:

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/?	tkuczens	1 5/30 jld	gm 5/30				

FE Sent For:

<END>

Kuczenski, Tracy

From: Rep.Spiros
Sent: Wednesday, May 29, 2013 12:42 PM
To: Kuczenski, Tracy
Subject: RE: Draft review: LRB -1797/P1 Topic: Statute of limitations for bringing a claim related to a motor vehicle accident covered by an insurance policy

Importance: High

Tracy:

I need to make a few changes to this bill as it stands right now, and Sen. Lasee has authorization as does his staff to review and discuss it.

When you have a chance can you please call me. 264-8611 (My staff is on vacation)

Thanks

John

*John Spiros
State Representative
District 86
Room N 17
Madison, WI*

*per Rep. Spiros -
Change injury to 3 years*

*property damage to 3 years -
wrongful death to 2 years*

From: Kuczenski, Tracy
Sent: Wednesday, April 03, 2013 9:24 AM
To: Rep.Spiros
Subject: RE: Draft review: LRB -1797/P1 Topic: Statute of limitations for bringing a claim related to a motor vehicle accident covered by an insurance policy

Representative Spiros:

I'm not entirely clear what PD refers to in your message below. However, the statute of limitations for actions involving a motor vehicle insurance policy is changed to two years in four different sections of the draft:

1. Proposed s. 893.43 (2) governs actions on a contract.
2. Proposed s. 893.52 (2) governs actions involving damage to real or personal property.
3. Proposed s. 893.54 (2m) (a) governs actions involving injury to a person.
4. Proposed s. 893.54 (2m) (b) governs actions involving wrongful death.

Please let me know if you need further clarification or have other questions.

Thank you,
Tracy

Tracy K. Kuczenski
Legislative Attorney
Wisconsin Legislative Reference Bureau

tracy.kuczenski@legis.wisconsin.gov
(608) 266-9867

From: LRB.Legal

Sent: Thursday, March 28, 2013 1:28 PM

To: Rep.Spiros

Cc: Kuczenski, Tracy

Subject: FW: Draft review: LRB -1797/P1 Topic: Statute of limitations for bringing a claim related to a motor vehicle accident covered by an insurance policy

Rep. Spiros:

I am forwarding your inquiry to the drafting attorney, who will be out of the office until April 2. Please contact me if you need immediate assistance.

Stefanie

Stefanie Rose

Program Assistant

Wisconsin Legislative Reference Bureau

(608) 266-3561

Stefanie.Rose@legis.wisconsin.gov

From: Rep.Spiros

Sent: Thursday, March 28, 2013 1:20 PM

To: LRB.Legal

Subject: RE: Draft review: LRB -1797/P1 Topic: Statute of limitations for bringing a claim related to a motor vehicle accident covered by an insurance policy

As I read this it appears to be 2-6-2, can we make it 2-2-2 for the statute of limitations? Unless I am mistaken I am reading this to keep the 6 years for PD, which I'd like to be 2.

Thanks

John

From: LRB.Legal

Sent: Thursday, March 28, 2013 12:08 PM

To: Rep.Spiros

Subject: Draft review: LRB -1797/P1 Topic: Statute of limitations for bringing a claim related to a motor vehicle accident covered by an insurance policy

Following is the PDF version of draft LRB -1797/P1 and drafter's note.

"RESEARCH APPENDIX"

... Drafting History Reproduction Request Form ...

 DRAFTING ATTORNEYS: PLEASE COMPLETE THIS FORM AND GIVE TO MIKE BARMAN

(Request Made By: TKK) (Date: 05 / 29 / 13)

Note:

BOTH DRAFTS SHOULD HAVE THE SAME "REQUESTOR"

(exception: companion bills)

 Please transfer the drafting file for
2011 LRB _____ (For: Rep. / Sen. _____)
to the drafting file for
2013 LRB _____ (For: Rep. / Sen. _____)

-----OR-----

 Please copy the drafting file for
2013 LRB -1797 / 1 (include the version) (For: Rep / Sen. Spiras)
and place it in the drafting file for
2013 LRB -2473 (For: Rep / Sen. Spiras)

 Are These "Companion Bills" ?? ... Yes **No**

If yes, who in the initial requestor's office authorized the copy/transfer of the drafting history ("guts") from the original file: _____



State of Wisconsin
2013 - 2014 LEGISLATURE



24731

LRB-179771

TKK:jld:jf

KEE

RMH12

insert

2013 BILL

5/30/13

Waived by 6/5/13

X

Reyen

1 AN ACT *to renumber* 893.54 (1) and (2); *to renumber and amend* 893.43 and
 2 893.54 (intro.); *to amend* 893.52; and *to create* 893.43 (2) and 893.54 (2m) of
 3 the statutes; **relating to:** statutes of limitation on claims involving property
 4 damage and on claims arising from a motor vehicle accident and covered by a
 5 motor vehicle insurance policy. ✓

Analysis by the Legislative Reference Bureau

Under current law, the time limit for initiating a civil action on a contract or obligation, including an insurance policy, is generally six years after the cause of action accrues. This bill changes the time limit to two years in those cases in which the contract is a motor vehicle insurance policy. The bill describes a motor vehicle insurance policy as a policy of insurance issued or delivered in this state against the insured's liability for loss or damage resulting from accident caused by any motor vehicle, whether the loss or damage is to property or to a person.

Current law also requires a person seeking to recover damages for injuries to the person or for death caused by the wrongful act, neglect, or default of another to initiate a civil action in three years. This bill changes the time limit for initiating a civil action to two years in those cases in which the injuries or death are caused by or arising from an accident involving a motor vehicle covered by a motor vehicle insurance policy.

X

is

BILL

Finally, current law requires a person seeking damages for an injury to real or personal property to initiate a civil action within six years after the cause of action accrues. This bill changes the time limit for initiating such a civil action to two years.

three ✓

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

1 SECTION 1. 893.43[✓] of the statutes is renumbered 893.43 (1) and amended to
2 read:

3 893.43 (1) ~~An~~ Except as provided in sub. (2), an action upon any contract,
4 obligation, or liability, express or implied, including an action to recover fees for
5 professional services, except those mentioned in s. 893.40, shall be commenced
6 within 6 years after the cause of action accrues or be barred.

7 SECTION 2. 893.43[✓] (2) of the statutes is created to read:

8 893.43 (2) An action upon a motor vehicle insurance policy described in s.
9 632.32 (1) shall be commenced within 2 years after the cause of action accrues or be
10 barred.

11 SECTION 3. 893.52[✓] of the statutes is amended to read:

12 **893.52 Action for damages for injury to property.** ~~An~~ Except in the case
13 where a different period is expressly prescribed, an action, not arising on contract,
14 to recover damages for an injury to real or personal property shall be commenced
15 within ~~6~~[✓] ~~(2)~~³ years after the cause of action accrues or be barred, ~~except in the case~~
16 ~~where a different period is expressly prescribed.~~

17 SECTION 4. 893.54 (intro.) of the statutes is renumbered 893.54 (1m) (intro.)
18 and amended to read:

19 893.54 (1m) (intro.) The Except as provided in sub. (2m), the following actions
20 shall be commenced within 3 years or be barred:

BILL

Insert 3-3

Fix component
↳

1 SECTION 5. 893.54 (1) and (2) of the statutes are renumbered 893.54 (1m) (a)
2 and (b) ^{and} 893.54(1m)(a) as renumbered is amended to read:

3 SECTION 6. 893.54 (2m) of the statutes is created to read:

4 893.54 (2m) (a) An action to recover damages for injuries to the person caused
5 or sustained by or arising from an accident involving a motor vehicle covered by a
6 motor vehicle insurance policy described in s. 632.32 (1) shall be commenced within
7 2 years after the cause of action accrues or be barred.

8 ^{no p} (b) An action brought to recover damages for death caused by the wrongful act,
9 neglect, or default of another and arising from an accident involving a motor vehicle
10 covered by a motor vehicle insurance policy described in s. 632.32 (1) shall be
11 commenced within 2 years after the cause of action accrues or be barred.

SECTION 7. Initial applicability.

12 (1) This act first applies to actions or special proceedings that are commenced
13 on the effective date of this subsection.
14

15 (END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2473/?ins
TKK:.....

INSERT 3-3

- 1 893.54 (1m) (a) An action to recover damages for injuries to the person,
2 including an action to recover damages for injuries to the person caused or sustained
3 by or arising from an accident involving a motor vehicle covered by a motor vehicle
4 policy described in s. 632.32 (1). ✓

History: 1979 c. 323.

(end ins)

Kuczenski, Tracy

From: Spiros, John
Sent: Thursday, May 30, 2013 9:00 PM
To: Kuczenski, Tracy
Subject: Re: Draft review: LRB -2473/1 Topic: Statute of limitations for bringing a claim related to a motor vehicle accident covered by an insurance policy

I did not jacket it yet, change it from 6 to 3 years. That will work. Also, have Cathlene e-mail me so I can meet with her next week.

Thank you very much Tracy.

John

Sent from my iPhone

On May 30, 2013, at 20:56, "Kuczenski, Tracy" <Tracy.Kuczenski@legis.wisconsin.gov> wrote:

> Rep. Spiros:

>
> 1. Which is your preference: to change the contract SOL to 3 years, or to keep the current SOL of 6 years? Either way I will need to amend the bill, and either option is an easy fix, so just let me know your preference. It wasn't clear from your v.m. message whether you had had the bill jacketed. Assuming you have not, I will be able to make the changes and have the bill submitted to you tomorrow.

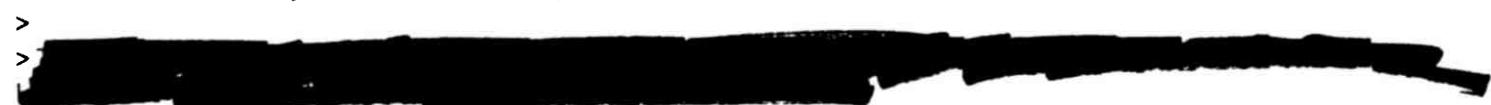
> 

>
> Thanks,
> Tracy
>
>

> -----Original Message-----

> From: Spiros, John
> Sent: Thu 5/30/2013 8:25 PM
> To: Kuczenski, Tracy
> Subject: Re: Draft review: LRB -2473/1 Topic: Statute of limitations
> for bringing a claim related to a motor vehicle accident covered by an
> insurance policy

>
> Thanks Tracy. Yes, let's take out the contract part and leave it at 6 years. If someone has an issue with it then we can add back in. Unless we just move from 6 to 3 years, which is fine with me.

> 

>
> Thanks
>
> John
>



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-24734-2

TKK:jld:jm

R.M.12

2013 BILL

5/31/13

X Regen

1 AN ACT *to renumber and amend* 893.43, 893.54 (intro.) and 893.54 (1) and (2);
 2 *to amend* 893.52; and *to create* 893.43 (2) and 893.54 (2m) of the statutes;
 3 **relating to:** statutes of limitation on claims involving property damage and on
 4 claims arising from a motor vehicle accident and covered by a motor vehicle
 5 insurance policy.

Analysis by the Legislative Reference Bureau three

Under current law, the time limit for initiating a civil action on a contract or obligation, including an insurance policy, is generally ~~six~~ years after the cause of action accrues. This bill changes the time limit to two years in those cases in which the contract is a motor vehicle insurance policy. The bill describes a motor vehicle insurance policy as a policy of insurance issued or delivered in this state against the insured's liability for loss or damage resulting from accident caused by any motor vehicle, whether the loss or damage is to property or to a person.

Current law also requires a person seeking to recover damages for injuries to the person or for death caused by the wrongful act, neglect, or default of another to initiate a civil action in three years. This bill changes the time limit for initiating a civil action to two years in those cases in which the death is caused by or arising from an accident involving a motor vehicle covered by a motor vehicle insurance policy.

Finally, current law requires a person seeking damages for an injury to real or personal property to initiate a civil action within six years after the cause of action

BILL

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8 893.43 (2) An action upon a motor vehicle insurance policy described in s.
9 632.32 (1) shall be commenced [✓] within 2 years after the cause of action accrues or be
10 barred. _{e 3}

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18 and amended to read:

19 893.54 (1m) (intro.) The Except as provided in sub. (2m), the following actions
20 shall be commenced within 3 years or be barred:

Basford, Sarah

From: Bates, Katherine
Sent: Wednesday, August 21, 2013 2:07 PM
To: LRB.Legal
Subject: Draft Review: LRB -2473/2 Topic: Statute of limitations for bringing a claim related to a motor vehicle accident covered by an insurance policy

Please Jacket LRB -2473/2 for the ASSEMBLY.