



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

Appendix A

LRB BILL HISTORY RESEARCH APPENDIX

The drafting file for 2013 LRB-1797/1 (For: Rep. Spiros)

has been copied/added to the drafting file for

2013 LRB-2473 (For: Rep. Spiros)

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



RESEARCH APPENDIX -
PLEASE KEEP WITH THE DRAFTING FILE

Date Transfer Requested: 05/29/2013 (Per: TKK)

The attached draft was incorporated into the new draft listed above. For research purposes the attached materials were added, as a appendix, to the new drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

2013 DRAFTING REQUEST

Bill

Received: **2/28/2013** Received By: **tkuczens**
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:

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:

See attached

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 3/22/2013 | | | _____ | | | |
| /P1 | tkuczens 4/5/2013 | jdyer 4/9/2013 | jfrantze 4/9/2013 | _____ | sbasford 3/28/2013 | | |
| /1 | | | | _____ | lparisi | srose | |

| | | | | | | | |
|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
| | | | | _____ | 4/9/2013 | 5/8/2013 | |

FE Sent For:

<END>

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| /P1 | tkuczens 4/5/2013 | jdyer 4/9/2013 | jfrantze 4/9/2013 | _____ | sbasford 3/28/2013 | | |
| /1 | | | | _____ | lparisi | | |

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|--------------|-----------------------|-------------------|-----------------------|----------------|-----------------------|-----------------|-----------------|
| /? | tkuczens 3/22/2013 | 1 jld 4/9 | 9b 4/9 | pk | | | |
| /P1 | | jdye 3/28/2013 | rschluet 3/28/2013 | | sbasford 3/28/2013 | | |

FE Sent For:

<END>

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|

/? tkuczens

PI 3/28 JLD
3/28/13
M

FE Sent For:

<END>

Kuczenski, Tracy

From: Karls-Ruplinger, Jessica
Sent: Thursday, February 28, 2013 3:59 PM
To: Hurley, Peggy; Kahler, Pam; Kuczenski, Tracy
Subject: RE: Drafting Request - Rep. Spiros

Peggy,

Yes, amend all three statutes - ss. 893.43, 893.52, and 893.54, Stats. And, yes, your reading of the request is consistent with Rep. Spiros' intent. Please let me know if you have other questions. Thanks.

Jessica

Jessica Karls-Ruplinger
Senior Staff Attorney
Wisconsin Legislative Council
(608) 266-2230
jessica.karls@legis.wisconsin.gov

27.0 (7)(a) 2. automobile, motor truck,
motor vehicle, wagon, motor bus,
motorcycle or other similar motor
vehicle
29.001 (52) motor vehicle - self-propelled
vehicle inc. snowmobile or all-
terrain vehicle but not airplane
340.01 (35)
★344.01 (2)(b) ch. 631, 632

From: Hurley, Peggy
Sent: Thursday, February 28, 2013 3:12 PM
To: Kahler, Pam; Kuczenski, Tracy; Karls-Ruplinger, Jessica
Subject: RE: Drafting Request - Rep. Spiros

Hi Jessica,

There are three separate statutes that I think may be applicable to this request: s. 893.43, which sets a 6-year limit on contract disputes (which, presumably, would include people suing their own insurance companies for coverage), s. 893.52, which sets a 6-year limit on property damage cases, and s. 893.54, which sets a 3-year limit on personal injury and wrongful death. Do you know if the Representative wants all three of these statutes amended? Or something else?

We are not quite sure we understand the request, but the way I am reading it, it sounds like they want a 2-year statute of limitations for any action arising from a motor vehicle accident IF at least one of the parties to the lawsuit has a motor vehicle insurance policy that may provide coverage for the damages arising from the accident. Is that close?

Peggy

does snowmobile operator need license No
Apparatus has requirement for insurance (liability)
Automobile & motor vehicle insurance

From: Karls-Ruplinger, Jessica
Sent: Thursday, February 28, 2013 12:13 PM
To: Kahler, Pam
Cc: Spiros, John; Bates, Katherine
Subject: Drafting Request - Rep. Spiros

632.32 (2)(at) - definition (excludes)

*motor vehicle insurance - covers self & my vehicle
(collision - hit a tree or deer)
comprehensive - damage by vandalism/hail
property damage
underinsured - my insurance covering my body injury if someone else has
liability - for damaging someone else's vehicle or property
liability - for damage caused to a person
632.32(1)

Hi Pam,

Rep. John Spiros would like a bill drafted that changes the statute of limitations on certain actions covered by auto insurance policies. For claims under auto insurance policies, the bill should change the statute of limitations on property damage, bodily injury, or death to 2 years. Under current law, it is my understanding that the statute of limitations is 6 years for property damage and 3 years for bodily injury or death. If you are not the correct drafter, feel free to pass this request along to the appropriate drafter. Please let me know if you have any questions. Thanks!

Jessica

Jessica Karls-Ruplinger
Senior Staff Attorney
Wisconsin Legislative Council
(608) 266-2230
Jessica.Karls@legis.wisconsin.gov

An action on

*ins company pays b/c of the fact of the contract

632.24 direct action - makes the insurer liable

action for bodily or property insurance against an individual would be based on negligence

at least one of the policies covered by insurance

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

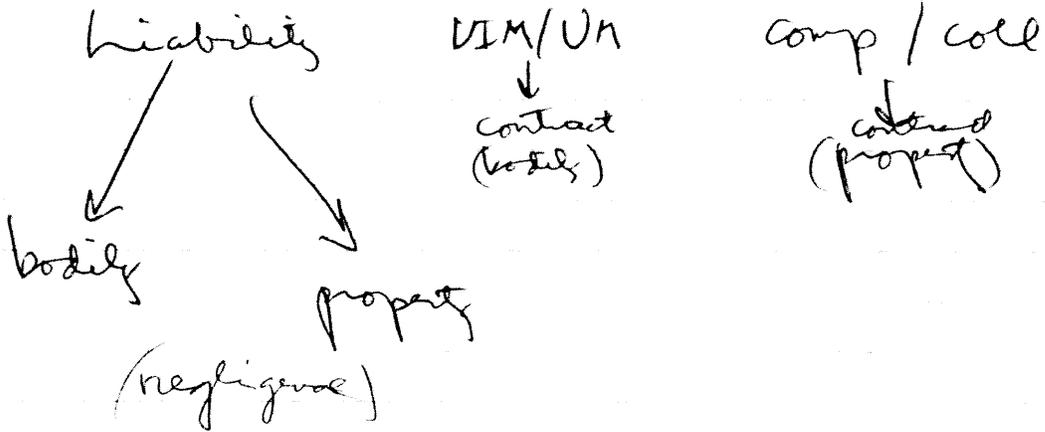
LRB

Research (608-266-0341)

Library (608-266-7040)

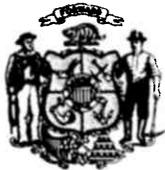
Legal (608-266-3561)

LRB



b/c of direct action statute,
Can also sue insurance
company as well as the individual

* should it matter if any one party has insurance?
what if the person at fault does not have insurance?



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1797A PI
TKK:.....
RWR Jld
d-note

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

in 3/22/13

soon

X

Gen

1 AN ACT ...; relating to: statutes of limitation on claims arising from a motor
2 vehicle accident and covered by a motor vehicle insurance policy. ✓

Analysis by the Legislative Reference Bureau

✓ This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

3 SECTION 1. 893.43 ✓ of the statutes is renumbered 893.43 (1) ✓ and amended to
4 read:

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

History: 1979 c. 323.

9 SECTION 2. 893.43 (2) ✓ of the statutes is created to read:

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

4 SECTION 3. 893.52 of the statutes is renumbered 893.52 (1) and amended to
5 read:

6 893.52 Action for damages for injury to property (1) An Except as
7 provided in sub. (2) and except in the case where a different period is expressly
8 prescribed, an action, not arising on contract, to recover damages for an injury to real
9 or personal property shall be commenced within 6 years after the cause of action
10 accrues or be barred, ~~except in the case where a different period is expressly~~
11 ~~prescribed~~.

History: 1979 c. 323.

12 SECTION 4. 893.52 (2) of the statutes is created to read:

13 893.52 (2) An action, not arising on contract, to recover damages for an injury
14 to real or personal property caused or sustained by or arising from an accident
15 involving a motor vehicle covered by a motor vehicle insurance policy described in
16 s. 632.32 shall be commenced within 2 years after the cause of action accrues or be
17 barred.

18 SECTION 5. 893.54 (intro.) of the statutes is renumbered 893.54 (1m) (intro.)
19 and amended to read:

20 893.54 Injury to the person. (1m) (intro.) The Except as provided in sub.
21 (2m), the following actions shall be commenced within 3 years or be barred:

History: 1979 c. 323.

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

23 893.54 (2m) (a) An action to recover damages for injuries to the person caused
24 or sustained by or arising from an accident involving a motor vehicle covered by a

SECTION #. 893.54 (1) and (2) of the statutes are renumbered 893.54 (1m) (a) and (b).

1 motor vehicle insurance policy described in s. 632.32 shall be commenced within 2
2 years after the cause of action accrues or be barred.

3 (b) An action brought to recover damages for death caused by the wrongful act,
4 neglect, or default of another and arising from an accident involving a motor vehicle
5 covered by a motor vehicle insurance policy described in s. 632.32 shall be
6 commenced within 2 years after the cause of action accrues or be barred.

7 **SECTION 7. Initial applicability.**

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

10 (END)

d-note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

date

PI
LRB-1797/3dn
TKK:.....

Jld

Representative Spiros: ✓

Please review this draft to ensure that it accomplishes your intent and let me know if you have any questions or wish to make any changes. If you are comfortable with the bill as drafted, I will write an analysis and prepare the draft for introduction. ✓

Tracy K. Kuczenski
Legislative Attorney
Phone: (608) 266-9867
E-mail: tracy.kuczenski@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1797/P1dn
TKK:jld:rs

March 28, 2013

Representative Spiros:

Please review this draft to ensure that it accomplishes your intent and let me know if you have any questions or wish to make any changes. If you are comfortable with the bill as drafted, I will write an analysis and prepare the draft for introduction.

**Tracy K. Kuczenski
Legislative Attorney
Phone: (608) 266-9867
E-mail: tracy.kuczenski@legis.wisconsin.gov**

Rose, Stefanie

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.

Kuczenski, Tracy

From: Rep.Spiros
Sent: Wednesday, April 03, 2013 9:31 AM
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

Tracy,

Property damage is PD. I was looking for all statutes of limitations relating to an accident to be 2 years across the board. I believe what I saw previously was 2,6,2. Currently it's 3,6,3 and I am proposing 2,2,2,.

Does that help at all??

Thanks

John

*T. conf w/rep. Spiros:
change SOL for all actions involving damage to
real or personal property (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

*(and not just those involving a
motor vehicle covered by a
motor vehicle 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

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Thanks

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



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1797/Pt 1

TKK:jld:rs

inst

2013 BILL

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

4/5/2013

soon

Reger.

4

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

claims involving property damage and on

Insert
analysis

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

5 SECTION 1. 893.43 of the statutes is renumbered 893.43 (1) and amended to
6 read:
7 893.43 (1) An Except as provided in sub. (2), an action upon any contract,
8 obligation, or liability, express or implied, including an action to recover fees for
9 professional services, except those mentioned in s. 893.40, shall be commenced
10 within 6 years after the cause of action accrues or be barred.

1 SECTION 2. 893.43 (2) of the statutes is created to read:

2 893.43 (2) An action upon a motor vehicle insurance policy described in s.
3 632.32⁽¹⁾ shall be commenced within 2 years after the cause of action accrues or be
4 barred.

5 *Fix Component* SECTION 3. 893.52 of the statutes is *renumbered* 893.52 (1) and amended to
6 read: *Action for damages for injury to property.* ← (B)

7 893.52 (1) An *Except* as provided in sub. (2), and *except* in the case where a
8 different period is expressly prescribed, an action, not arising on contract, to recover
9 damages for an injury to real or personal property shall be commenced within ~~6~~² years
10 after the cause of action accrues or be barred, ~~except in the case where a different~~
11 ~~period is expressly prescribed.~~

12 SECTION 4. 893.52 (2) of the statutes is created to read:
13 893.52 (2) An action, not arising on contract, to recover damages for an injury
14 to real or personal property caused or sustained by or arising from an accident
15 involving a motor vehicle covered by a motor vehicle insurance policy described in
16 s. 632.32 shall be commenced within 2 years after the cause of action accrues or be
17 barred.

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19 and amended to read:

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

22 SECTION 6. 893.54 (1) and (2) of the statutes are renumbered 893.54 (1m) (a)
23 and (b).

24 SECTION 7. 893.54 (2m) of the statutes is created to read:

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1797/P1ins
TKK:jld:rs

INSERT ANALYSIS

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.

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.

(end ins)

Rose, Stefanie

From: Bates, Katherine
Sent: Wednesday, May 08, 2013 9:17 AM
To: LRB.Legal
Subject: Draft Review: LRB -1797/1 Topic: Statute of limitations for bringing a claim related to a motor vehicle accident covered by an insurance policy

Please Jacket LRB -1797/1 for the ASSEMBLY.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1797/1
TKK:jld:jf

2013 BILL

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.

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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.

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 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:

