

# State of Wisconsin



2019 Assembly Bill 59

Date of enactment: **November 20, 2019**

Date of publication\*: **November 21, 2019**

## 2019 WISCONSIN ACT 30

AN ACT *to amend* 801.14 (2), 801.15 (5) (b), 801.18 (12) (c) and 802.05 (1) of the statutes; **relating to:** service of certain pleadings and other papers by electronic mail.

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

**SECTION 1.** 801.14 (2) of the statutes is amended to read:

801.14 (2) Whenever under these statutes, service of pleadings and other papers is required or permitted to be made upon a party represented by an attorney, the service shall be made upon the attorney unless service upon the party in person is ordered by the court. Service upon the attorney or upon a party shall be made by delivering a copy or by mailing it to the last-known address, or, if no address is known, by leaving it with the clerk of the court. Delivery of a copy within this section means: handing it to the attorney or to the party; transmitting a copy of the paper by facsimile machine to his or her office; or leaving it at his or her office with a clerk or other person in charge thereof; or, if there is no one in charge, leaving it in a conspicuous place therein; or, if the office is closed or the person to be served has no office, leaving it at his or her dwelling house or usual place of abode with some person of suitable age and discretion then residing therein. Except as otherwise provided in s. 801.18 (6) (a) and (b), if an attorney, or a party if appropriate, has consented in writing to accept service by electronic mail, delivery of a copy within this section may also include transmitting a copy of the paper by electronic mail to his or her primary or other designated electronic mail address. Ser-

vice by mail is complete upon mailing. Service by facsimile is complete upon transmission. Service by electronic mail is complete upon transmission, except if the sender receives notification or indication that the message was not delivered. The first sentence of this subsection shall not apply to service of a summons or of any process of court or of any paper to bring a party into contempt of court.

**SECTION 2.** 801.15 (5) (b) of the statutes is amended to read:

801.15 (5) (b) If the notice or paper is served by facsimile transmission, by electronic mail, or by the electronic filing system under s. 801.18 and such transmission is completed between 5 p.m. and midnight, ~~+~~ one day shall be added to the prescribed period.

**SECTION 3.** 801.18 (12) (c) of the statutes is amended to read:

801.18 (12) (c) Each electronically filed document shall bear that person's name, mailing address, electronic mail address, telephone number, and state bar number if applicable. Users shall notify the electronic filing system of any change in this information, consistent with sub. (3) (f).

**SECTION 4.** 802.05 (1) of the statutes is amended to read:

802.05 (1) SIGNATURE. Every pleading, written motion, and other paper shall be signed by at least one

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

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attorney of record in the attorney's individual name, or, if the party is not represented by an attorney, shall be signed by the party. Each paper shall state the signer's address and telephone number, electronic mail address, and state bar number, if any. Any attorney or party signing a paper under this section shall designate and provide the court with a primary electronic mail address and shall

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be responsible for the accuracy of and any necessary changes to the electronic mail address provided to the court. Except when otherwise specifically provided by rule or statute, pleadings need not be verified or accompanied by affidavit. An unsigned paper shall be stricken unless omission of the signature is corrected promptly after being called to the attention of the attorney or party.