

State of Wisconsin



1999 Assembly Bill 385

Date of enactment: **April 21, 2000**

Date of publication*: **May 5, 2000**

1999 WISCONSIN ACT 76

AN ACT to amend 601.73 (2) (c) of the statutes; relating to: time limits on the service of process on the commissioner of insurance (suggested as remedial legislation by the office of the commissioner of insurance).

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the office of the commissioner of insurance and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

SECTION 1. 601.73 (2) (c) of the statutes is amended to read:

601.73 (2) (c) *Default judgment.* No plaintiff or complainant is entitled to a judgment by default in any proceeding in which process is served under this section and s. 601.72 until the expiration of 20 45 days ~~from~~ after the date of mailing of the process under par. (b).

NOTE: 1997 Wisconsin Act 187 changed from 20 to 45 days the period of time which the defendant has, after receipt

of a complaint, to answer the complaint. However, it did not make a corresponding change in current law under which the commissioner of insurance is the attorney to receive service of a summons, orders or other legal proceedings for an insurer who does not have a registered agent for receipt of service of process in this state. This provision amends the provision under which a default judgment may not be entered against a defendant who has been served with legal process by substituted service on the commissioner of insurance to provide that the judgment may not be entered until the expiration of 45 days after the date on which the commissioner mails a copy of the legal documents to the defendant.

SECTION 9326. Initial applicability; insurance.

(1) **SUBSTITUTED SERVICE.** The treatment of section 601.73 (2) (c) of the statutes first applies to service of process made on the commissioner of insurance on the effective date of this subsection.

NOTE: This provision provides that the change in the entering of a default judgment from 20 to 45 days after the date of mailing will first apply to any service of process made on the commissioner on the effective date of the provision.

* Section 991.11, WISCONSIN STATUTES 1997-98: 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 as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].