

State of Wisconsin



1995 Assembly Bill 571

Date of enactment: **April 25, 1996**

Date of publication*: **May 9, 1996**

1995 WISCONSIN ACT 287

AN ACT to amend 780.01 (3), 780.03 and 780.05; and to create 767.30 (3) (f), 767.30 (4) and 780.01 (5) of the statutes; relating to: creating a lien against vessels to satisfy child support arrearages.

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

SECTION 1. 767.30 (3) (f) of the statutes is created to read:

767.30 (3) (f) For failure to pay child support or family support, satisfaction under s. 780.10 out of the proceeds of the sale of any ship, boat or vessel attached and sold under ch. 780.

SECTION 2. 767.30 (4) of the statutes is created to read:

767.30 (4) Upon the request of a county, the department of natural resources shall provide the county with a list of the names and addresses of all of the owners of boats that have a valid certificate of number or registration that has been issued by the department under s. 30.52. The department shall prepare the list annually before May 31 of each year.

SECTION 3. 780.01 (3) of the statutes is amended to read:

780.01 (3) For all demands or damages accruing from the nonperformance or malperformance of any contract of affreightment or any contract touching the transportation of persons or property entered into by the master, agent, owner or consignee of the ship, boat or vessel on which such contract is to be performed; ~~and~~.

SECTION 4. 780.01 (5) of the statutes is created to read:

780.01 (5) For all arrearages owed by the owner in child support ordered under s. 48.355 (2) (b) 4., 48.357 (5m), 48.363 (2) or 948.22 (7) or ch. 767 or 769 or in family support ordered under ch. 767.

SECTION 5. 780.03 of the statutes is amended to read:

780.03 Owner personally liable. The owner or owners of any such ship, boat or vessel shall be personally liable for the payment of every debt and for every demand ~~and or~~ claim arising under s. 780.01 (1) ~~and~~ (2) ~~or~~ (5). Such liability for a debt, demand or claim arising under s. 780.01 (1) or (2) shall not in any way impair or affect the liability that may exist against the master, agent or consignee for the same debt or demand.

SECTION 6. 780.05 of the statutes is amended to read:

780.05 When undertaking not required. In case the plaintiff's claim arises out of or is founded upon any of the causes under s. 780.01 (1) ~~or~~ (5) the plaintiff shall not be required to give the undertaking required by s. 811.06 unless required so to do by an order of the court or judge; and no such order shall be made unless the defendant or someone in the defendant's behalf shall make an affidavit showing that he or she has a good and valid defense in whole or in part to the claim or demand of the plaintiff, setting forth the nature of the defense; and where the defense is only to a portion of the claim, before any such order shall be made the defendant shall pay or tender to the plaintiff that portion of the claim to which

* Section 991.11, WISCONSIN STATUTES 1993-94: 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].

there is no defense; such payment or tender shall not affect the jurisdiction of the court or prevent a recovery by the plaintiff of the same costs, disbursements and charges as the plaintiff would have been entitled to had not the amount of the plaintiff's claim been reduced by such payment. No such order shall be made except upon one day's

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notice to the plaintiff, accompanied by copies of the affidavits and other papers upon which it is founded.

SECTION 7. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of section 767.30 (4) of the statutes takes effect on the May 1 after publication.
