

**2001 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-SB55)**

Received: 06/21/2001

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Assembly Republican Caucus

By/Representing: Smith

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Addl. Drafters:

Subject: Courts - civil procedure

Extra Copies:

Submit via email: NO

Requester's email:

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**Pre Topic:**

ARC:.....Smith - AM1,

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**Topic:**

Reducing time to answer complaints in circuit court civil actions from 45 days to 20 days

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**Instructions:**

See Attached

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**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>
/1	nelsorp1 06/22/2001	gilfokm 06/23/2001	jfrantze 06/25/2001	_____	lrb_docadmin 06/25/2001		
/2	nelsorp1 06/27/2001	gilfokm 06/27/2001	pgreensl 06/28/2001	_____	lrb_docadmin 06/28/2001		

Vers.    Drafted    Reviewed    Typed    Proofed    Submitted    Jacketed    Required

FE Sent For:

**<END>**

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ARC:.....Smith - AM1,

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**Topic:**

*Only for bank foreclosures Ch 708 Ch 846*

Reducing time to answer complaints in circuit court civil actions from 45 days to 20 days

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**Instructions:**

See Attached

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/1	nelsorp1 06/22/2001	gilfokm 06/23/2001	jfrantze 06/25/2001	<i>[Signature]</i>	lrb_docadmin 06/25/2001		

FE Sent For:

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127  
9/8/00  
PB PB/Ben*

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~~TNF, PJH  
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Topic:

Reducing time to answer complaints in circuit court civil actions from 45 days to 20 days

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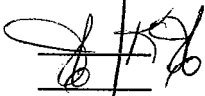

Instructions:

See Attached

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Drafting History:

Vers.      Drafted      Reviewed      Typed      Proofed      Submitted      Jacketed      Required

/1	nelsorp1 06/22/2001	gilfokm 06/23/2001	lrb_wpo				
				6/25			

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Addl. Drafters:

Subject: Courts - civil procedure

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Requester's email:

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**Pre Topic:**

ARC:.....Smith - AM1,

---

**Topic:**

Reducing time to answer complaints in circuit court civil actions from 45 days to 20 days.

---

**Instructions:**

See Attached

*99 AB 187*

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1?	nelsorp1	<i>1-6/23 King</i>		_____			

FE Sent For:

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# Budget Amendments 2001 - 2003

Prepared by the Assembly Republican Caucus

**Statement of Intent** Repeal a recent change in the time period defendants have to answer lawsuits, restoring the time period to 20 days.

**Legislator** Suder **Amendment** 1

**Legislator 2** **Pass or Fail** Pass

**Legislator 3** **Spending Cut**

**Legislator 4** **Withdrawn**

**Staff contact** Anne **Package**

**Agency** Circuit Courts

**Summary** Prior to 1997, defendants were required to answer lawsuit, including foreclosure and collection actions, within 20 days. In 1997 the law was changed, extending that period to 45 days.

This extra 25 days allows defendants in foreclosure and collection actions to use and depreciate the personal or real property that is their collateral with a financial institution. Often, because a defendant is aware that repossession or foreclosure is imminent, collateral is willfully damaged or reduced in value by the time the 45 days have elapsed.

Such losses sustained by financial institutions end up being absorbed by honest banking customers.

**Fiscal Impact** None.

**Drafting Inst**

**ARC Analyst** Smith

**Request #** 121

Wednesday, June 20, 2001

Page 3 of 13

Motions:

1. ~~Reestablishing Court Authority to Suspend or Revoke a Juvenile's Driver's License for Failure to pay Non Driving Forfeitures. DOT should be able to absorb the \$18,500 cost (Ladwig, Motion #48)~~

2. Repeal a recent change in the time period defendants have to answer lawsuits, restoring the time period to 20 days. Amend to include only bank foreclosures. *Fiscal effect - None.* (Suder, Motion #121)

3. ~~Eliminate three additional prison chaplain positions. *Cost savings - None.* DOC does not have to spend an additional \$138,600. (Suder, Motion #76)~~

4. Faith-Based Approaches to Crime prevention and Justice based on Assembly Bill 443. *Cost \$100,000 GPR in the first year, \$100,000 GPR in the second year.* Source of funding Minority Business Economic Development Program in the Department of Commerce. (Jensen, Motion #182)

5. District Attorneys Rock(0.5) take 25 positions from Rock and give to Ashland

6. Parole Commission Membership and Staffing [LEB paper 353] (Comparative Document JFC/Gov. p. 265, #6)

Cut Governor's proposal in half. Provide 1.0 parole commissioner position and 2.0 assistants. *Cost savings \$336,400* Use money to fund additional court interpreters.

Provide 1.0 two-year interpreter coordinator position to develop a court interpreter certification and training program. Beginning in 2002-2003, increase reimbursement to counties from \$35 per half day to \$30 for the first hour and \$15 for each additional .5 hour for qualified interpreters and to \$40 for the first hour and \$20 for each additional .5 hour for certified interpreters. *Funded through previous JFC appropriation and savings from cut in Parole Commission staffing.*

Misc.:

Guilty, but mentally ill (1999 AB 516)

Creating a plea and verdict of guilty but mentally ill in certain criminal cases – as an alternative to a guilty verdict or a not guilty by reason of mental disease or defect verdict.

Judicial Substitution ban (1999 AB 201)

Eliminating substitution of judges in criminal matters.

1293  
Entered  
RPN

1287  
RPN  
Entered

1332  
RPN



**1997 ASSEMBLY BILL 671**

Act 187

December 23, 1997 – Introduced by Representatives GREEN, ALBERS, MUSSER and HASENOHRL, cosponsored by Senators HUELSMAN, ROSENZWEIG and DARLING. Referred to Committee on Judiciary.

1 **AN ACT to amend** 66.05 (8) (b) 1., 66.411, 102.23 (1) (c), 102.835 (14), 108.225 (14),  
2 125.12 (2) (d), 801.09 (2) (a), 801.09 (2) (b), 801.095 (1), 801.095 (2), 801.095 (3),  
3 801.095 (4), 802.06 (1), 802.06 (6) and 802.09 (1) of the statutes; **relating to:**  
4 **increasing the time period to serve a responsive pleading.**

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***Analysis by the Legislative Reference Bureau***

Under current law, a person who is served with a summons and complaint in a civil action act has 20 days after service of the complaint to respond with an answer to the complaint. A party served with a pleading that states a cross-claim or counterclaim has 20 days to respond to that pleading. If the defendant is the state or an official, employe or agent of the state, in certain actions the time to answer is extended to 45 days. If the summons is served by publication, the time to respond is 40 days. Current law also allows a party to move the court to strike material from any pleading if that material is redundant, immaterial, impertinent, scandalous or includes indecent matter. That motion must be made within 20 days after service of the pleading.

Currently, a building owner has 20 days to reply to a petition filed with the circuit court asking that a building be declared a public nuisance because the building is dangerous, defective or unsafe. A redevelopment corporation is given up to 20 days by the court under current law to reply to a petition filed in circuit court asking the court to require the redevelopment corporation to comply with the redevelopment plan. Currently, the labor and industry review commission has 20 days to serve an answer to a complaint filed in circuit court asking that the decision

**ASSEMBLY BILL 671**

of the commission regarding an award of worker's compensation be overturned. Under current law, a person subject to a levy against his or her property for failing to make a payment for worker's compensation or unemployment compensation has 20 days after service of the levy to file an answer to the levy. Under current law, when a person files a complaint seeking judicial review of a municipality's decision to grant, fail to grant, suspend or revoke a license, the municipal governing body has 20 days to file an answer to that complaint.

This bill changes all of those response times to 45 days. This change does not apply to garnishment actions.

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

1           **SECTION 1.** 66.05 (8) (b) 1. of the statutes is amended to read:

2           66.05 (8) (b) 1. If an owner fails to remedy or improve the defect in accordance  
3 with the written notice furnished by the building inspector or other designated  
4 officer under par. (am) within the 30-day period specified in the written notice, the  
5 building inspector or other designated officer shall apply to the circuit court of the  
6 county in which the building is located for an order determining that the building  
7 constitutes a public nuisance. As a part of the application for such order from the  
8 circuit court the building inspector or other designated officer shall file a verified  
9 petition which recites the giving of such written notice, the defect or defects in such  
10 building, the owner's failure to comply with the notice and such other pertinent facts  
11 as may be related thereto. A copy of the petition shall be served upon the owner of  
12 record or the owner's agent if an agent is in charge of the building and upon the holder  
13 of any encumbrance of record under sub. (1m) (a) and the owner shall have ~~20~~ 45 days  
14 following service upon the owner in which to reply to such petition. Upon application  
15 by the building inspector or other designated officer the circuit court shall set  
16 promptly the petition for hearing. Testimony shall be taken by the circuit court with  
17 respect to the allegations of the petition and denials contained in the verified answer.

**ASSEMBLY BILL 671**

1 If the circuit court after hearing the evidence with respect to the petition and the  
2 answer determines that the building constitutes a public nuisance, the court shall  
3 issue promptly an order directing the owner of the building to remedy the defect and  
4 to make such repairs and alterations as may be required. The court shall set a  
5 reasonable period of time in which the defect shall be remedied and the repairs or  
6 alterations completed. A copy of the order shall be served upon the owner as provided  
7 in sub. (1m) (a). The order of the circuit court shall state in the alternative that if  
8 the order of the court is not complied with within the time fixed by the court, the court  
9 will appoint a receiver or authorize the building inspector or other designated officer  
10 to proceed to raze and remove the building and restore the site to a dust-free and  
11 erosion-free condition under par. (bg).

12 **SECTION 2.** 66.411 of the statutes is amended to read:

13 **66.411 Urban redevelopment; enforcement of duties.** Whenever a  
14 redevelopment corporation shall not have substantially complied with the  
15 development plan within the time limits for the completion of each stage thereof as  
16 therein stated, reasonable delays caused by unforeseen difficulties excepted, or shall  
17 do, permit to be done or fail or omit to do anything contrary to or required of it, as  
18 the case may be, by ss. 66.405 to 66.425, or shall be about so to do, permit to be done  
19 or fail or omit to have done, as the case may be, then any such fact may be certified  
20 by the planning commission to the city attorney of the city, who may thereupon  
21 commence a proceeding in the circuit court of the county in which the city is in whole  
22 or in part situated in the name of the city for the purpose of having such action,  
23 failure or omission, or threatened action, failure or omission, established by order of  
24 the court or stopped, prevented or otherwise rectified by mandamus, injunction or  
25 otherwise. Such proceeding shall be commenced by a petition to the circuit court

**ASSEMBLY BILL 671****SECTION 2**

1 alleging the violation complained of and praying for appropriate relief. It shall  
2 thereupon be the duty of the court to specify the time, not exceeding ~~20~~ 45 days after  
3 service of a copy of the petition, within which the redevelopment corporation  
4 complained of must answer the petition. The court, shall, immediately after a  
5 default in answering or after answer, as the case may be, inquire into the facts and  
6 circumstances in such manner as the court shall direct without other or formal  
7 proceedings, and without respect to any technical requirements. Such other persons  
8 or corporations as it shall seem to the court necessary or proper to join as parties in  
9 order to make its order or judgment effective may be joined as parties. The final  
10 judgment or order in any such action or proceeding shall dismiss the action or  
11 proceeding or establish the failure complained of or direct that a mandamus order,  
12 or an injunction, or both, issue, or grant such other relief as the court may deem  
13 appropriate.

14 **SECTION 3.** 102.23 (1) (c) of the statutes is amended to read:

15 102.23 (1) (c) The commission shall serve its answer within ~~20~~ 45 days after  
16 the service of the complaint, and, within the like time, the adverse party may serve  
17 an answer to the complaint, which answer may, by way of counterclaim or cross  
18 complaint, ask for the review of the order or award referred to in the complaint, with  
19 the same effect as if the party had commenced a separate action for the review  
20 thereof.

21 **SECTION 4.** 102.835 (14) of the statutes is amended to read:

22 102.835 (14) **ANSWER BY 3RD PARTY.** Within ~~20~~ 45 days after the service of the  
23 levy upon a 3rd party, the 3rd party shall file an answer with the department stating  
24 whether the 3rd party is in possession of or obligated with respect to property or

**ASSEMBLY BILL 671**

1 rights to property of the uninsured employer, including a description of the property  
2 or the rights to property and the nature and dollar amount of any such obligation.

3 **SECTION 5.** 108.225 (14) of the statutes is amended to read:

4 108.225 (14) ANSWER BY 3RD PARTY. Within ~~20~~ 45 days after the service of the  
5 levy upon a 3rd party, the 3rd party shall file an answer with the department stating  
6 whether the 3rd party is in possession of or obligated with respect to property or  
7 rights to property of the debtor, including a description of the property or the rights  
8 to property and the nature and dollar amount of any such obligation.

9 **SECTION 6.** 125.12 (2) (d) of the statutes is amended to read:

10 125.12 (2) (d) *Judicial review.* The action of any municipal governing body in  
11 granting or failing to grant, suspending or revoking any license, or the failure of any  
12 municipal governing body to revoke or suspend any license for good cause, may be  
13 reviewed by the circuit court for the county in which the application for the license  
14 was issued, upon application by any applicant, licensee or resident of the  
15 municipality. The procedure on review shall be the same as in civil actions instituted  
16 in the circuit court. The person desiring review shall file pleadings, which shall be  
17 served on the municipal governing body in the manner provided in ch. 801 for service  
18 in civil actions and a copy of the pleadings shall be served on the applicant or licensee.  
19 The municipal governing body, applicant or licensee shall have ~~20~~ 45 days to file an  
20 answer to the complaint. Following filing of the answer, the matter shall be deemed  
21 at issue and hearing may be had within 5 days, upon due notice served upon the  
22 opposing party. The hearing shall be before the court without a jury. Subpoenas for  
23 witnesses may be issued and their attendance compelled. The decision of the court  
24 shall be filed within 10 days after the hearing and a copy of the decision shall be

ASSEMBLY BILL 671

SECTION 6

1 transmitted to each of the parties. The decision shall be binding unless it is appealed  
2 to the court of appeals.

3 SECTION 7. 801.09 (2) (a) of the statutes is amended to read:

4 801.09 (2) (a) Within 20 days, or within 45 days if the defendant is the state  
5 or an officer, agent, employe or agency of the state in an action or special proceeding  
6 brought within the purview of s. 893.82 or 895.46, exclusive of the day of service, after  
7 the summons has been served personally upon the defendant or served by  
8 substitution personally upon another authorized to accept service of the summons  
9 for the defendant; or

10 SECTION 8. 801.09 (2) (b) of the statutes is amended to read:

11 801.09 (2) (b) Within 40 45 days after a date stated in the summons, exclusive  
12 of such date, if no such personal or substituted personal service has been made, and  
13 service is made by publication. The date so stated in the summons shall be the date  
14 of the first required publication.

15 SECTION 9. 801.095 (1) of the statutes is amended to read:

16 801.095 (1) PERSONAL SERVICE; COMPLAINT ATTACHED.

17 STATE OF WISCONSIN

CIRCUIT COURT: .... COUNTY

18 \_\_\_\_\_

19 A. B.

20 Address

21 City, State Zip Code

File No. ....

22 , Plaintiff

23 vs.

S U M M O N S

24 C. D.

25 Address

.... (Case Classification Type): .... (Code No.)

**ASSEMBLY BILL 671**

1 City, State Zip Code

2 , Defendant

3 \_\_\_\_\_

4 THE STATE OF WISCONSIN, To each person named above as a Defendant:

5 You are hereby notified that the Plaintiff named above has filed a lawsuit or  
6 other legal action against you. The complaint, which is attached, states the nature  
7 and basis of the legal action.

8 Within ~~(20)~~ ~~(45)~~ 45 days of receiving this summons, you must respond with a  
9 written answer, as that term is used in chapter 802 of the Wisconsin Statutes, to the  
10 complaint. The court may reject or disregard an answer that does not follow the  
11 requirements of the statutes. The answer must be sent or delivered to the court,  
12 whose address is ....., and to ....., Plaintiff's attorney, whose address is ....., You may  
13 have an attorney help or represent you.

14 If you do not provide a proper answer within ~~(20)~~ ~~(45)~~ 45 days, the court may  
15 grant judgment against you for the award of money or other legal action requested  
16 in the complaint, and you may lose your right to object to anything that is or may be  
17 incorrect in the complaint. A judgment may be enforced as provided by law. A  
18 judgment awarding money may become a lien against any real estate you own now  
19 or in the future, and may also be enforced by garnishment or seizure of property.

20 Dated: ....., 19..

21 Signed: .... ..

22 A. B., Plaintiff

23 or

24 E. F., Plaintiff's Attorney

25 State Bar No.: ....

ASSEMBLY BILL 671

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Address: ....

City, State Zip Code: ....

Phone No.: ....

SECTION 10. 801.095 (2) of the statutes is amended to read:

801.095 (2) PERSONAL SERVICE; NO COMPLAINT ATTACHED.

STATE OF WISCONSIN

CIRCUIT COURT: ... COUNTY

A. B.

Address

City, State Zip Code

File No. ....

, Plaintiff

vs.

S U M M O N S

C. D.

Address

... (Case Classification Type): ... (Code No.)

City, State Zip Code

, Defendant

THE STATE OF WISCONSIN, To each person named above as a Defendant:

You are hereby notified that the Plaintiff named above has filed a lawsuit or other legal action against you.

Within ~~(20)~~ ~~(45)~~ 45 days of receiving this summons, you must respond with a written demand for a copy of the complaint. The demand must be sent or delivered to the court, whose address is ....., and to ....., Plaintiff's attorney, whose address is .....

You may have an attorney help or represent you.



**ASSEMBLY BILL 671**

1 If you do not demand a copy of the complaint within ~~(20)~~(45) 45 days, the court  
2 may grant judgment against you for the award of money or other legal action  
3 requested in the complaint, and you may lose your right to object to anything that  
4 is or may be incorrect in the complaint. A judgment may be enforced as provided by  
5 law. A judgment awarding money may become a lien against any real estate you own  
6 now or in the future, and may also be enforced by garnishment or seizure of property.

7 Dated: ....., 19..

8 Signed: .... ..

9 A. B., Plaintiff

10 or

11 E. F., Plaintiff's Attorney

12 State Bar No.: ....

13 Address: ....

14 City, State Zip Code: ....

15 Phone No.: ....

16 **SECTION 11. 801.095 (3) of the statutes is amended to read:**

17 **801.095 (3) NO PERSONAL SERVICE; COMPLAINT SERVED AT THE SAME TIME.**

18 STATE OF WISCONSIN

CIRCUIT COURT: .... COUNTY

19  
20 A. B.

21 Address

22 City, State Zip Code

File No. ....

23 , Plaintiff

24 vs.

S U M M O N S

25 C. D.

**ASSEMBLY BILL 671**

**SECTION 11**

1 Address .... (Case Classification Type): .... (Code No.)

2 City, State Zip Code

3 , Defendant

4 \_\_\_\_\_

5 THE STATE OF WISCONSIN, To each person named above as a Defendant:

6 You are hereby notified that the Plaintiff named above has filed a lawsuit or  
7 other legal action against you. The complaint, which is also served upon you, states  
8 the nature and basis of the legal action.

9 Within 40 45 days after ....., 19.., you must respond with a written answer, as  
10 that term is used in chapter 802 of the Wisconsin Statutes, to the complaint. The  
11 court may reject or disregard an answer that does not follow the requirements of the  
12 statutes. The answer must be sent or delivered to the court, whose address is ....., and  
13 to ....., Plaintiff's attorney, whose address is ....., You may have an attorney help or  
14 represent you.

15 If you do not provide a proper answer within 40 45 days, the court may grant  
16 judgment against you for the award of money or other legal action requested in the  
17 complaint, and you may lose your right to object to anything that is or may be  
18 incorrect in the complaint. A judgment may be enforced as provided by law. A  
19 judgment awarding money may become a lien against any real estate you own now  
20 or in the future, and may also be enforced by garnishment or seizure of property.

21 Dated: ....., 19..

22 Signed: .... ..

23 A. B., Plaintiff

24 or

25 E. F., Plaintiff's Attorney

ASSEMBLY BILL 671

State Bar No.: ....

Address: ....

City, State Zip Code: ....

Phone No.: ....

SECTION 12. 801.095 (4) of the statutes is amended to read:

801.095 (4) NO PERSONAL SERVICE; COMPLAINT NOT SERVED AT THE SAME TIME.

STATE OF WISCONSIN

CIRCUIT COURT: .... COUNTY

A. B.

Address

City, State Zip Code

File No. ....

, Plaintiff

vs.

S U M M O N S

C. D.

Address

.... (Case Classification Type): .... (Code No.)

City, State Zip Code

, Defendant

THE STATE OF WISCONSIN, To each person named above as a Defendant:

You are hereby notified that the plaintiff named above has filed a lawsuit or other legal action against you.

Within 40 ~~40~~ 45 days after ....., 19.., you must respond with a written demand for a copy of the complaint. The demand must be sent or delivered to the court, whose address is ....., and to ....., Plaintiff's attorney, whose address is ....., You may have an attorney help or represent you.

ASSEMBLY BILL 671

1 If you do not demand a copy of the complaint within 40 45 days, the court may  
2 grant judgment against you for the award of money or other legal action requested  
3 in the complaint, and you may lose your right to object to anything that is or may be  
4 incorrect in the complaint. A judgment may be enforced as provided by law. A  
5 judgment awarding money may become a lien against any real estate you own now  
6 or in the future, and may also be enforced by garnishment or seizure of property.

7 Dated: ....., 19..

8 Signed: .... ....

9 A. B., Plaintiff

10 or

11 E. F., Plaintiff’s Attorney

12 State Bar No.: ....

13 Address: ....

14 City, State Zip Code: ....

15 Phone No.: ....

16 SECTION 13. 802.06 (1) of the statutes is amended to read:

17 802.06 (1) WHEN PRESENTED. A defendant shall serve an answer within 20 45  
18 days after the service of the complaint upon the defendant. If a guardian ad litem  
19 is appointed for a defendant, the guardian ad litem shall have 20 45 days after  
20 appointment to serve the answer. A party served with a pleading stating a  
21 cross-claim against the party shall serve an answer thereto within 20 45 days after  
22 the service upon the party. The plaintiff shall serve a reply to a counterclaim in the  
23 answer within 20 45 days after service of the answer. The state or an agency of the  
24 state or an officer, employe or agent of the state in an action brought within the  
25 purview of s. 893.82 or 895.46 shall serve an answer to the complaint or to a

**ASSEMBLY BILL 671**

1 cross-claim or a reply to a counterclaim within 45 days after service of the pleading  
2 in which the claim is asserted. If any pleading is ordered by the court, it shall be  
3 served within ~~20~~ 45 days after service of the order, unless the order otherwise directs.  
4 The service of a motion permitted under sub. (2) alters these periods of time as  
5 follows, unless a different time is fixed by order of the court: if the court denies the  
6 motion or postpones its disposition until the trial on the merits, the responsive  
7 pleading shall be served within 10 days after notice of the court's action; or if the court  
8 grants a motion for a more definite statement, the responsive pleading shall be  
9 served within 10 days after the service of the more definite statement.

10 **SECTION 14.** 802.06 (6) of the statutes is amended to read:

11 802.06 (6) MOTION TO STRIKE. Upon motion made by a party before responding  
12 to a pleading or, if no responsive pleading is permitted upon motion made by a party  
13 within ~~20~~ 45 days after the service of the pleading upon the party or upon the court's  
14 own initiative at any time, the court may order stricken from any pleading any  
15 insufficient defense or any redundant, immaterial, impertinent, scandalous or  
16 indecent matter.

17 **SECTION 15.** 802.09 (1) of the statutes is amended to read:

18 802.09 (1) AMENDMENTS. A party may amend the party's pleading once as a  
19 matter of course at any time within 6 months after the summons and complaint are  
20 filed or within the time set in a scheduling order under s. 802.10. Otherwise a party  
21 may amend the pleading only by leave of court or by written consent of the adverse  
22 party; and leave shall be freely given at any stage of the action when justice so  
23 requires. A party shall plead in response to an amended pleading within ~~20~~ 45 days

**ASSEMBLY BILL 671**

**SECTION 15**

1 after service of the amended pleading unless (a) the court otherwise orders or (b) no  
2 responsive pleading is required or permitted under s. 802.01 (1).

3 (END)

**1999 ASSEMBLY BILL 385***Act 76*

June 15, 1999 - Introduced by LAW REVISION COMMITTEE. Referred to Committee on Insurance.

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

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***Analysis by the Legislative Reference Bureau***

Under current law, as amended by 1997 Wisconsin Act 187, a defendant has 45 days after the receipt of a complaint to answer the complaint. Before 1997 Wisconsin Act 187, the defendant had 20 days after the receipt of a complaint to answer the complaint. Under current law, the commissioner of insurance is constituted as the attorney to receive service of a summons, orders and other legal pleadings for any insurer who does not have a registered agent for service of process in this state. Current law provides that 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 until the expiration of 20 days after the commissioner mails a copy of the legal documents to the defendant. This bill changes that 20-day waiting period to 45 days for the entering of a default judgment when substituted service is made on the commissioner of insurance.

For further information, see the NOTES provided by the law revision committee of the joint legislative council.

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

**ASSEMBLY BILL 385**

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.

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

2           601.73 (2) (c) *Default judgment.* No plaintiff or complainant is entitled to a  
3 judgment by default in any proceeding in which process is served under this section  
4 and s. 601.72 until the expiration of 20 45 days ~~from~~ after the date of mailing of the  
5 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.

6       **SECTION 9326. Initial applicability; insurance.**

7           (1) **SUBSTITUTED SERVICE.** The treatment of section 601.73 (2) (c) of the statutes  
8 first applies to service of process made on the commissioner of insurance on the  
9 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.

10

(END)





D-NOTE

ARC:.....Smith – AM1, Reducing time to answer complaints in circuit court  
civil actions from 45 days to 20 days

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 ✓ 1. Page 680, line 5: after that line insert:

3 "SECTION 2020m. 66.0413 (2) (c) 1. of the statutes is amended to read:

4 66.0413 (2) (c) 1. If an owner fails to remedy or improve the defect in accordance  
5 with the written notice under par. (b) within the 30-day period specified in the  
6 written notice, the building inspector or other designated officer shall apply to the  
7 circuit court of the county in which the building is located for an order determining  
8 that the building constitutes a public nuisance. As a part of the application for the  
9 order from the circuit court the building inspector or other designated officer shall  
10 file a verified petition which recites the giving of written notice, the defect in the

1 building, the owner's failure to comply with the notice and other pertinent facts. A  
 2 copy of the petition shall be served upon the owner of record or the owner's agent if  
 3 an agent is in charge of the building and upon the holder of any encumbrance of  
 4 record under sub. (1) (d). The owner shall reply to the petition within 45 20 days  
 5 following service upon the owner. Upon application by the building inspector or other  
 6 designated officer the circuit court shall set promptly the petition for hearing.  
 7 Testimony shall be taken by the circuit court with respect to the allegations of the  
 8 petition and denials contained in the verified answer. If the circuit court after  
 9 hearing the evidence on the petition and answer determines that the building  
 10 constitutes a public nuisance, the court shall issue promptly an order directing the  
 11 owner of the building to remedy the defect and to make such repairs and alterations  
 12 as may be required. The court shall set a reasonable period of time in which the  
 13 defect shall be remedied and the repairs or alterations completed. A copy of the order  
 14 shall be served upon the owner as provided in sub. (1) (d). The order of the circuit  
 15 court shall state in the alternative that if the order of the court is not complied with  
 16 within the time fixed by the court, the court will appoint a receiver or authorize the  
 17 building inspector or other designated officer to proceed to raze the building under  
 18 par. (d).".

History: Sup. Ct. Order, 67 Wis. 2d 750; 1977 c. 187; 1979 c. 323; 1981 c. 341; 1983 a. 108, 192, 219; 1983 a. 275 s. 15 (2); 1987 a. 395; 1989 a. 347; 1991 a. 39, 316; 1993  
 a. 213, 246, 267, 382, 491; 1995 a. 225; 1997 a. 187; 1999 a. 67; 1999 a. 150 ss. 98 to 108, 134 to 149; Stats. 1999 s. 66.0413.

19 ✓ **2.** Page 902, line 21: after that line insert:

20 "SECTION 2544g. 102.23 (1) (c) of the statutes is amended to read: ✓

21 102.23 (1) (c) The commission shall serve its answer within 45 20 days after  
 22 the service of the complaint, and, within the like time, the adverse party may serve  
 23 an answer to the complaint, which answer may, by way of counterclaim or cross  
 24 complaint, ask for the review of the order or award referred to in the complaint, with

1 the same effect as if the party had commenced a separate action for the review  
2 thereof.”.

History: 1973 c. 150; 1975 c. 199; Sup. Ct. Order, 73 Wis. 2d xxxi (1976); 1977 c. 29; 1977 c. 187 ss. 59, 135; 1977 c. 195, 272, 447; Sup. Ct. Order, 83 Wis. 2d xiii (1978); 1979 c. 278; 1981 z. 390 s. 252; 1983 a. 98, 122, 538; 1985 a. 83; 1997 a. 187.

3 ✓ **3.** Page 903, line 17: after that line insert:

4 “SECTION 2545m. 102.835 (14) of the statutes is amended to read:  
5 102.835 (14) ANSWER BY 3RD PARTY. Within 45 20 days after the service of the  
6 levy upon a 3rd party, the 3rd party shall file an answer with the department stating  
7 whether the 3rd party is in possession of or obligated with respect to property or  
8 rights to property of the uninsured employer, including a description of the property  
9 or the rights to property and the nature and dollar amount of any such obligation.”.

History: 1993 a. 81; 1995 a. 117; 1997 a. 187, 283.

10 ✓ **4.** Page 912, line 11: after that line insert:

11 “SECTION 2604m. 108.225 (14) of the statutes is amended to read:  
12 108.225 (14) ANSWER BY 3RD PARTY. Within 45 20 days after the service of the  
13 levy upon a 3rd party, the 3rd party shall file an answer with the department stating  
14 whether the 3rd party is in possession of or obligated with respect to property or  
15 rights to property of the debtor, including a description of the property or the rights  
16 to property and the nature and dollar amount of any such obligation.”.

History: 1989/a. 77; 1997 a. 187, 283.

17 ✓ **5.** Page 934, line 14: after that line insert:

18 “SECTION 2802m. 125.12 (2) (d) of the statutes is amended to read:  
19 125.12 (2) (d) *Judicial review.* The action of any municipal governing body in  
20 granting or failing to grant, suspending or revoking any license, or the failure of any  
21 municipal governing body to revoke or suspend any license for good cause, may be  
22 reviewed by the circuit court for the county in which the application for the license  
23 was issued, upon application by any applicant, licensee or resident of the

1 municipality. The procedure on review shall be the same as in civil actions instituted  
2 in the circuit court. The person desiring review shall file pleadings, which shall be  
3 served on the municipal governing body in the manner provided in ch. 801 for service  
4 in civil actions and a copy of the pleadings shall be served on the applicant or licensee.  
5 The municipal governing body, applicant or licensee shall have 45 20 days to file an  
6 answer to the complaint. Following filing of the answer, the matter shall be deemed  
7 at issue and hearing may be had within 5 days, upon due notice served upon the  
8 opposing party. The hearing shall be before the court without a jury. Subpoenas for  
9 witnesses may be issued and their attendance compelled. The decision of the court  
10 shall be filed within 10 days after the hearing and a copy of the decision shall be  
11 transmitted to each of the parties. The decision shall be binding unless it is appealed  
12 to the court of appeals.”.

History: 1981 c. 79; 1983 a. 516; 1987 a. 93; 1993 a. 98; 1995 a. 27 s. 9126 (19); 1995 a. 417, 448; 1997 a. 27, 35, 166, 187; 1999 a. 9.

13 ✓ **6.** Page 1083, line 21: after that line insert:

14 “SECTION 3377g. 302.114 (5) (am) of the statutes is amended to read:

15 302.114 (5) (am) The inmate shall serve a copy of a petition for release to  
16 extended supervision on the district attorney’s office that prosecuted him or her, and  
17 the district attorney shall file a written response to the petition within 45 20 days  
18 after the date he or she receives the petition.”.

History: 1997 a. 283.

19 ✓ **7.** Page 1180, line 21: after that line insert:

20 “SECTION 3737m. 601.73 (2) (c) of the statutes is amended to read:

21 601.73 (2) (c) *Default judgment.* No plaintiff or complainant is entitled to a  
22 judgment by default in any proceeding in which process is served under this section

1 and s. 601.72 until the expiration of ~~45~~ 20 days after the date of mailing of the process  
2 under par. (b).”.

History: 1971 c. 189; 1977 c. 203 ss. 87, 103; 1979 c. 102; 1989 a. 164; 1995 a. 27, 396; 1999 a. 76.

3 ✓ **8.** Page 1205, line 13: after that line insert:

4 **“SECTION 3826m.** 801.02 (2) of the statutes is amended to read:

5 801.02 (2) A civil action in which only an in rem or quasi in rem judgment is  
6 sought is commenced as to any defendant when a summons and a complaint are filed  
7 with the court, provided service of an authenticated copy of the summons and of  
8 either the complaint or a notice of object of action under s. 801.12 is made upon the  
9 defendant under this chapter within ~~90~~ 60 days after filing.”.

History: Sup. Ct. Order, 67 Wis. 2d 585, 589 (1975); 1975 c. 218; 1981 c. 289, 317; 1995 a. 27; 1997 a. 133, 187.

10 ✓ **9.** Page 1205, line 21: after that line insert:

11 **“SECTION 3828g.** 801.09 (2) (a) of the statutes is amended to read:

12 801.09 (2) (a) Within ~~45~~ 20 days, exclusive of the day of service, after the  
13 summons has been served personally upon the defendant or served by substitution  
14 personally upon another authorized to accept service of the summons for the  
15 defendant; or

History: Sup. Ct. Order, 67 Wis. 2d 585, 598 (1975); Sup. Ct. Order, 67 Wis. 2d viii; 1975 c. 218; Sup. Ct. Order, 112 Wis. 2d xi; Sup. Ct. Order, 171 Wis. 2d xxv; 1993 a. 365, 486; 1997 a. 133, 187.

16 **SECTION 3828h.** 801.09 (2) (b) of the statutes is amended to read:

17 801.09 (2) (b) Within ~~45~~ 20 days after a date stated in the summons, exclusive  
18 of such date, if no such personal or substituted personal service has been made, and  
19 service is made by publication. The date so stated in the summons shall be the date  
20 of the first required publication.

History: Sup. Ct. Order, 67 Wis. 2d 585, 598 (1975); Sup. Ct. Order, 67 Wis. 2d viii; 1975 c. 218; Sup. Ct. Order, 112 Wis. 2d xi; Sup. Ct. Order, 171 Wis. 2d xxv; 1993 a. 365, 486; 1997 a. 133, 187.

21 **SECTION 3828jc.** 801.095 (1) of the statutes is amended to read:

22 801.095 (1) PERSONAL SERVICE; COMPLAINT ATTACHED.

23 STATE OF WISCONSIN CIRCUIT COURT : .... COUNTY

---

1  
2       A. B.  
3       Address  
4       City, State Zip Code               File No. ....  
5       , Plaintiff  
6       vs.                               S U M M O N S  
7       C. D.  
8       Address    .... (Case Classification Type): .... (Code No.)  
9       City, State Zip Code  
10      , Defendant

---

11  
12       THE STATE OF WISCONSIN, To each person named above as a Defendant:

13       You are hereby notified that the Plaintiff named above has filed a lawsuit or  
14       other legal action against you. The complaint, which is attached, states the nature  
15       and basis of the legal action.

16       Within ~~45~~ 20 days of receiving this summons, you must respond with a written  
17       answer, as that term is used in chapter 802 of the Wisconsin Statutes, to the  
18       complaint. The court may reject or disregard an answer that does not follow the  
19       requirements of the statutes. The answer must be sent or delivered to the court,  
20       whose address is ....., and to ....., Plaintiff's attorney, whose address is ....., You may  
21       have an attorney help or represent you.

22       If you do not provide a proper answer within ~~45~~ 20 days, the court may grant  
23       judgment against you for the award of money or other legal action requested in the  
24       complaint, and you may lose your right to object to anything that is or may be  
25       incorrect in the complaint. A judgment may be enforced as provided by law. A

1 judgment awarding money may become a lien against any real estate you own now  
2 or in the future, and may also be enforced by garnishment or seizure of property.

3 Dated: ....., .... (year)

4 Signed: .... ....

5 A. B., Plaintiff

6 or

7 E. F., Plaintiff's Attorney

8 State Bar No.: ....

9 Address: ....

10 City, State Zip Code: ....

11 Phone No: ....

History: 1983 a. 323; Sup Ct. Order, 171 Wis. 2d xix (1992); 1997 a. 187, 250; 1999 a. 32, 186.

12 **SECTION 3828je. 801.095 (2) of the statutes is amended to read:**

13 **801.095 (2) PERSONAL SERVICE; NO COMPLAINT ATTACHED.**

14 **STATE OF WISCONSIN                      CIRCUIT COURT: .... COUNTY**

15 \_\_\_\_\_

16 A. B.

17 Address

18 City, State Zip Code                      File No. ....

19    , Plaintiff

20 vs.    S U M M O N S

21 C. D.

22 Address                      .... (Case Classification Type): .... (Code No.)

23 City, State Zip Code

24    , Defendant

25 \_\_\_\_\_

1 THE STATE OF WISCONSIN, To each person named above as a Defendant:

2 You are hereby notified that the Plaintiff named above has filed a lawsuit or  
3 other legal action against you.

4 Within 45 20 days of receiving this summons, you must respond with a written  
5 demand for a copy of the complaint. The demand must be sent or delivered to the  
6 court, whose address is ....., and to ....., Plaintiff's attorney, whose address is ....., You  
7 may have an attorney help or represent you.

8 If you do not demand a copy of the complaint within 45 20 days, the court may  
9 grant judgment against you for the award of money or other legal action requested  
10 in the complaint, and you may lose your right to object to anything that is or may be  
11 incorrect in the complaint. A judgment may be enforced as provided by law. A  
12 judgment awarding money may become a lien against any real estate you own now  
13 or in the future, and may also be enforced by garnishment or seizure of property.

14 Dated: ....., .... (year)

15 Signed: .... ....

16 A. B., Plaintiff

17 or

18 E. F., Plaintiff's Attorney

19 State Bar No.: ....

20 Address: ....

21 City, State Zip Code: ....

22 Phone No.: ....

23 History: 1983 a. 323; Sup Ct. Order, 171 Wis. 2d xix (1992); 1997 a. 187, 250; 1999 a. 32, 186.

**SECTION 3828jg. 801.095 (3) of the statutes is amended to read:**

24 **801.095 (3) NO PERSONAL SERVICE; COMPLAINT SERVED AT THE SAME TIME.**



1 STATE OF WISCONSIN CIRCUIT COURT : .... COUNTY

2 \_\_\_\_\_

3 A. B.

4 Address

5 City, State Zip Code File No. ....

6 , Plaintiff

7 vs. S U M M O N S

8 C. D.

9 Address .... (Case Classification Type): .... (Code No.)

10 City, State Zip Code

11 , Defendant

12 \_\_\_\_\_

13 THE STATE OF WISCONSIN, To each person named above as a Defendant:

14 You are hereby notified that the Plaintiff named above has filed a lawsuit or  
15 other legal action against you. The complaint, which is also served upon you, states  
16 the nature and basis of the legal action.

17 Within 45 20 days after ....., .... (year), you must respond with a written answer,  
18 as that term is used in chapter 802 of the Wisconsin Statutes, to the complaint. The  
19 court may reject or disregard an answer that does not follow the requirements of the  
20 statutes. The answer must be sent or delivered to the court, whose address is ....., and  
21 to ....., Plaintiff's attorney, whose address is ....., You may have an attorney help or  
22 represent you.

23 If you do not provide a proper answer within 45 20 days, the court may grant  
24 judgment against you for the award of money or other legal action requested in the  
25 complaint, and you may lose your right to object to anything that is or may be

1 incorrect in the complaint. A judgment may be enforced as provided by law. A  
2 judgment awarding money may become a lien against any real estate you own now  
3 or in the future, and may also be enforced by garnishment or seizure of property.

4 Dated: ....., .... (year)

5 Signed: .... ....

6 A. B., Plaintiff

7 or

8 E. F., Plaintiff's Attorney

9 State Bar No.: ....

10 Address: ....

11 City, State Zip Code: ....

12 Phone No: ....

History: 1983 a. 323; Sup Ct. Order, 171 Wis. 2d xix (1992); 1997 a. 187, 250; 1999 a. 32, 186.

13 **SECTION 3828jm.** 801.095 (4) of the statutes is amended to read:

14 801.095 (4) NO PERSONAL SERVICE; COMPLAINT NOT SERVED AT THE SAME TIME.

15

16 STATE OF WISCONSIN                   CIRCUIT COURT: .... COUNTY

17 \_\_\_\_\_

18 A. B.

19 Address

20 City, State Zip Code                   File No. ....

21   , Plaintiff

22 vs.   S U M M O N S

23 C. D.

24 Address .... (Case Classification Type): .... (Code No.)

25 City, State Zip Code

1    , Defendant

2 \_\_\_\_\_  
3         **THE STATE OF WISCONSIN**, To each person named above as a Defendant:

4         You are hereby notified that the plaintiff named above has filed a lawsuit or  
5 other legal action against you.

6         Within 45 20 days after ....., .... (year), you must respond with a written demand  
7 for a copy of the complaint. The demand must be sent or delivered to the court, whose  
8 address is ....., and to ....., Plaintiff's attorney, whose address is ..... You may have an  
9 attorney help or represent you.

10         If you do not demand a copy of the complaint within 45 20 days, the court may  
11 grant judgment against you for the award of money or other legal action requested  
12 in the complaint, and you may lose your right to object to anything that is or may be  
13 incorrect in the complaint. A judgment may be enforced as provided by law. A  
14 judgment awarding money may become a lien against any real estate you own now  
15 or in the future, and may also be enforced by garnishment or seizure of property.

16         Dated: ....., .... (year)

17         Signed: .... ....

18         A. B., Plaintiff

19         or

20         E. F., Plaintiff's Attorney

21         State Bar No.: ....

22         Address: ....

23         City, State Zip Code: ....

24         Phone No: ....

25         History: 1983 a. 323; Sup Ct. Order, 171 Wis. 2d xix (1992); 1997 a. 187, 250; 1999 a. 32, 186.

**SECTION 3828jp. 801.15 (2) (a)** of the statutes is amended to read:

*60-day*

1 801.15 (2) (a) When an act is required to be done at or within a specified time,  
 2 the court may order the period enlarged but only on motion for cause shown and upon  
 3 just terms. The ~~90~~ *60* day period under s. 801.02 may not be enlarged. If the motion  
 4 is made after the expiration of the specified time, it shall not be granted unless the  
 5 court finds that the failure to act was the result of excusable neglect. The order of  
 6 enlargement shall recite by its terms or by reference to an affidavit in the record the  
 7 grounds for granting the motion.

History: Sup. Ct. Order, 67 Wis. 2d 585, 610 (1975); 1975 c. 218; Sup. Ct. Order, 73 Wis. 2d xxxi (1976); 1977 c. 187 s. 135; 1977 c. 449; 1979 c. 89; 1983 a. 192 s. 304; 1985 a. 145; Sup. Ct. Order, 130 Wis. 2d xi (1986); 1985 a. 332; Sup. Ct. Order, 136 Wis. 2d xxv (1987); Sup. Ct. Order, 146 Wis. 2d xxxiii (1988); Sup. Ct. Order, 160 Wis. 2d xiv (1991); Sup. Ct. Order, 161 Wis. 2d xvii (1991); Sup. Ct. Order, No. 94-05, 183 Wis. 2d xix; 1997 a. 187.

8 **SECTION 3828jr.** 802.06 (1) of the statutes is amended to read:

9 802.06 (1) WHEN PRESENTED. Except when a court dismisses an action or special  
 10 proceeding under s. 802.05 (3), a defendant shall serve an answer within 45 20 days  
 11 after the service of the complaint upon the defendant. If a guardian ad litem is  
 12 appointed for a defendant, the guardian ad litem shall have 45 20 days after  
 13 appointment to serve the answer. A party served with a pleading stating a  
 14 cross-claim against the party shall serve an answer thereto within 45 20 days after  
 15 the service upon the party. The plaintiff shall serve a reply to a counterclaim in the  
 16 answer within 45 20 days after service of the answer. The state or an agency of the  
 17 state or an officer, employee or agent of the state shall serve an answer to the  
 18 complaint or to a cross-claim or a reply to a counterclaim within 45 days after service  
 19 of the pleading in which the claim is asserted. If any pleading is ordered by the court,  
 20 it shall be served within 45 20 days after service of the order, unless the order  
 21 otherwise directs. The service of a motion permitted under sub. (2) alters these  
 22 periods of time as follows, unless a different time is fixed by order of the court: if the  
 23 court denies the motion or postpones its disposition until the trial on the merits, the  
 24 responsive pleading shall be served within 10 days after notice of the court's action;

1 or if the court grants a motion for a more definite statement, the responsive pleading  
2 shall be served within 10 days after the service of the more definite statement.

History: Sup. Ct. Order, 67 Wis. 2d 585, 623 (1975); 1975 c. 218; Sup. Ct. Order, 73 Wis. 2d xxxi; Sup. Ct. Order, 82 Wis. 2d ix; 1977 c. 260; 1977 c. 447 ss. 196, 210; 1979 c. 110 ss. 51, 60 (7); 1979 c. 323 s. 33; 1981 c. 390 s. 252; Sup. Ct. Order, 112 Wis. 2d xi (1983); 1983 a. 228 s. 16; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 256; 1993 a. 213; Sup. Ct. Order No. 95-04, 191 Wis. 2d xxi (1995); 1995 a. 225, 411; 1997 a. 133, 187; 1999 a. 32.

3 **SECTION 3828jt.** 802.06 (6) of the statutes is amended to read:

4 **802.06 (6) MOTION TO STRIKE.** Upon motion made by a party before responding  
5 to a pleading or, if no responsive pleading is permitted upon motion made by a party  
6 within 45 20 days after the service of the pleading upon the party or upon the court's  
7 own initiative at any time, the court may order stricken from any pleading any  
8 insufficient defense or any redundant, immaterial, impertinent, scandalous or  
9 indecent matter.

History: Sup. Ct. Order, 67 Wis. 2d 585, 623 (1975); 1975 c. 218; Sup. Ct. Order, 73 Wis. 2d xxxi; Sup. Ct. Order, 82 Wis. 2d ix; 1977 c. 260; 1977 c. 447 ss. 196, 210; 1979 c. 110 ss. 51, 60 (7); 1979 c. 323 s. 33; 1981 c. 390 s. 252; Sup. Ct. Order, 112 Wis. 2d xi (1983); 1983 a. 228 s. 16; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 256; 1993 a. 213; Sup. Ct. Order No. 95-04, 191 Wis. 2d xxi (1995); 1995 a. 225, 411; 1997 a. 133, 187; 1999 a. 32.

10 **SECTION 3828jv.** 802.09 (1) of the statutes is amended to read:

11 **802.09 (1) AMENDMENTS.** A party may amend the party's pleading once as a  
12 matter of course at any time within 6 months after the summons and complaint are  
13 filed or within the time set in a scheduling order under s. 802.10. Otherwise a party  
14 may amend the pleading only by leave of court or by written consent of the adverse  
15 party; and leave shall be freely given at any stage of the action when justice so  
16 requires. A party shall plead in response to an amended pleading within 45 20 days  
17 after service of the amended pleading unless (a) the court otherwise orders or (b) no  
18 responsive pleading is required or permitted under s. 802.01 (1).”.

History: Sup. Ct. Order, 67 Wis. 2d 585, 632 (1975); 1975 c. 218; Sup. Ct. Order, 82 Wis. 2d ix (1978); Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1997 a. 187.

19 ✓ **10.** Page 1216, line 10: after that line insert:

20 **“SECTION 3862v.** 893.02 of the statutes is amended to read:

21 **893.02 Action, when commenced.** An action is commenced, within the  
22 meaning of any provision of law which limits the time for the commencement of an

1 action, as to each defendant, when the summons naming the defendant and the  
2 complaint are filed with the court, but no action shall be deemed commenced as to  
3 any defendant upon whom service of authenticated copies of the summons and  
4 complaint has not been made within ~~90~~ 60 days after filing.”.

History: Sup. Ct. Order, 67 Wis. 2d 585, 770 (1975); 1975 c. 218; 1979 c. 323; 1997 a. 187.

5 ✓ **11.** Page 1255, line 21: after that line insert:

6 “SECTION 3997m. 961.555 (2) (a) of the statutes is amended to read:

7 961.555 (2) (a) The district attorney of the county within which the property  
8 was seized shall commence the forfeiture action within 30 days after the seizure of  
9 the property, except that the defendant may request that the forfeiture proceedings  
10 be adjourned until after adjudication of any charge concerning a crime which was the  
11 basis for the seizure of the property. The request shall be granted. The forfeiture  
12 action shall be commenced by filing a summons, complaint and affidavit of the person  
13 who seized the property with the clerk of circuit court, provided service of  
14 authenticated copies of those papers is made in accordance with ch. 801 within 90 ✓  
15 60 days after filing upon the person from whom the property was seized and upon  
16 any person known to have a bona fide perfected security interest in the property.”.

History: 1971 c. 219; Sup. Ct. Order, 67 Wis. 2d 585, 752 (1975); 1981 c. 113, 267; Sup. Ct. Order, 120 Wis. 2d xiii; 1985 a. 245; 1989 a. 121; 1993 a. 321; 1995 a. 448  
s. 306; Stats. 1995 s. 961.555; 1997 a. 187.

17 ✓ **12.** Page 1265, line 11: after that line insert:

18 “SECTION 4018m. 973.076 (2) (a) of the statutes is amended to read:

19 973.076 (2) (a) The district attorney of the county within which the property  
20 was seized or in which the defendant is convicted shall commence the forfeiture  
21 action within 30 days after the seizure of the property or the date of conviction,  
22 whichever is earlier, except that the defendant may request that the forfeiture  
23 proceedings be adjourned until after adjudication of any charge concerning a crime

1 which was the basis for the seizure of the property. The request shall be granted.  
 2 The forfeiture action shall be commenced by filing a summons, complaint and  
 3 affidavit of the person who seized the property with the clerk of circuit court,  
 4 provided service of authenticated copies of those papers is made in accordance with  
 5 ch. 801 within ~~90~~ 60 days after filing upon the person from whom the property was  
 6 seized and upon any person known to have a bona fide perfected security interest in  
 7 the property.”

History: 1981 c. 267; Sup. Ct. Order, 120 Wis. 2d xiii (1984); 1985 a. 245; 1989 a. 121; 1993 a. 92, 321, 491; 1997 a. 187.

8 **13.** Page 1396, line 6: after that line insert:

8Z  
 9 “~~(b)~~ TIME LIMIT ON COURT ANSWERS. The treatment of sections 66.0413 (2) (c)  
 10 1., 102.23 (1) (c), 102.835 (14), 108.225 (14), 125.12 (2) (d), 302.114 (5) (am), 601.73  
 11 (2) (c), 801.02 (2), 801.09 (2) (a) and (b), 801.095 (1), (2), (3), and (4), 801.15 (2) (a),  
 12 802.06 (1) and (6), 802.09 (1), 893.02, 961.555 (2) (a), and 973.076 (2) (a) first applies  
 13 to actions commenced on the effective date of this subsection.”

(END)

*of the statutes*

*init. app.*

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

LRBb1293/1dn

RPN:.....



*made* *Wisconsin*

This draft reverses the changes in the statutes by 1997 Act 187 and 1999 Act 76.

Robert P. Nelson  
Senior Legislative Attorney  
Phone: (608) 267-7511  
E-mail: robert.nelson@legis.state.wi.us



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

LRBb1293/1dn  
RPN:kmgjf

June 25, 2001

This draft reverses the changes made in the statutes by 1997 Wisconsin Act 187 and Wisconsin 1999 Act 76.

Robert P. Nelson  
Senior Legislative Attorney  
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ARC:.....Smith - AM1, Reducing time to answer complaints in circuit court  
civil actions from 45 days to 20 days

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 ~~1. Page 680, line 5: after that line insert:~~

3 ~~"SECTION 2020m. 66.0413 (2) (c) 1. of the statutes is amended to read:~~

4 ~~66.0413 (2) (c) 1. If an owner fails to remedy or improve the defect in accordance~~

5 ~~with the written notice under par. (b) within the 30-day period specified in the~~

6 ~~written notice, the building inspector or other designated officer shall apply to the~~

7 ~~circuit court of the county in which the building is located for an order determining~~

8 ~~that the building constitutes a public nuisance. As a part of the application for the~~

9 ~~order from the circuit court the building inspector or other designated officer shall~~

10 ~~file a verified petition which recites the giving of written notice, the defect in the~~

1 building, the owner's failure to comply with the notice and other pertinent facts. A  
2 copy of the petition shall be served upon the owner of record or the owner's agent if  
3 an agent is in charge of the building and upon the holder of any encumbrance of  
4 record under sub. (1) (d). The owner shall reply to the petition within ~~45~~ 20 days  
5 following service upon the owner. Upon application by the building inspector or other  
6 designated officer the circuit court shall set promptly the petition for hearing.  
7 Testimony shall be taken by the circuit court with respect to the allegations of the  
8 petition and denials contained in the verified answer. If the circuit court after  
9 hearing the evidence on the petition and answer determines that the building  
10 constitutes a public nuisance, the court shall issue promptly an order directing the  
11 owner of the building to remedy the defect and to make such repairs and alterations  
12 as may be required. The court shall set a reasonable period of time in which the  
13 defect shall be remedied and the repairs or alterations completed. A copy of the order  
14 shall be served upon the owner as provided in sub. (1) (d). The order of the circuit  
15 court shall state in the alternative that if the order of the court is not complied with  
16 within the time fixed by the court, the court will appoint a receiver or authorize the  
17 building inspector or other designated officer to proceed to raze the building under  
18 par. (d).”.

19 **2.** Page 902, line 21: after that line insert:

20 **“SECTION 2544g.** 102.23 (1) (c) of the statutes is amended to read:

21 102.23 (1) (c) The commission shall serve its answer within ~~45~~ 20 days after  
22 the service of the complaint, and, within the like time, the adverse party may serve  
23 an answer to the complaint, which answer may, by way of counterclaim or cross  
24 complaint, ask for the review of the order or award referred to in the complaint, with

1 the same effect as if the party had commenced a separate action for the review  
2 thereof.”

3 **3.** Page 903, line 17: after that line insert:

4 “**SECTION 2545m.** 102.835 (14) of the statutes is amended to read:

5 102.835 (14) ANSWER BY 3RD PARTY. Within 45 20 days after the service of the  
6 levy upon a 3rd party, the 3rd party shall file an answer with the department stating  
7 whether the 3rd party is in possession of or obligated with respect to property or  
8 rights to property of the uninsured employer, including a description of the property  
9 or the rights to property and the nature and dollar amount of any such obligation.”

10 **4.** Page 912, line 11: after that line insert:

11 “**SECTION 2604m.** 108.225 (14) of the statutes is amended to read:

12 108.225 (14) ANSWER BY 3RD PARTY. Within 45 20 days after the service of the  
13 levy upon a 3rd party, the 3rd party shall file an answer with the department stating  
14 whether the 3rd party is in possession of or obligated with respect to property or  
15 rights to property of the debtor, including a description of the property or the rights  
16 to property and the nature and dollar amount of any such obligation.”

17 **5.** Page 934, line 14: after that line insert:

18 “**SECTION 2802m.** 125.12 (2) (d) of the statutes is amended to read:

19 125.12 (2) (d) *Judicial review.* The action of any municipal governing body in  
20 granting or failing to grant, suspending or revoking any license, or the failure of any  
21 municipal governing body to revoke or suspend any license for good cause, may be  
22 reviewed by the circuit court for the county in which the application for the license  
23 was issued, upon application by any applicant, licensee or resident of the  
24 municipality. The procedure on review shall be the same as in civil actions instituted

1 in the circuit court. The person desiring review shall file pleadings, which shall be  
 2 served on the municipal governing body in the manner provided in ch. 801 for service  
 3 in civil actions and a copy of the pleadings shall be served on the applicant or licensee.  
 4 The municipal governing body, applicant or licensee shall have 45 20 days to file an  
 5 answer to the complaint. Following filing of the answer, the matter shall be deemed  
 6 at issue and hearing may be had within 5 days, upon due notice served upon the  
 7 opposing party. The hearing shall be before the court without a jury. Subpoenas for  
 8 witnesses may be issued and their attendance compelled. The decision of the court  
 9 shall be filed within 10 days after the hearing and a copy of the decision shall be  
 10 transmitted to each of the parties. The decision shall be binding unless it is appealed  
 11 to the court of appeals.”

12 **6.** Page 1083, line 21: after that line insert:

13 “SECTION 3377g. 302.114 (5) (am) of the statutes is amended to read:

14 302.114 (5) (am) The inmate shall serve a copy of a petition for release to  
 15 extended supervision on the district attorney’s office that prosecuted him or her, and  
 16 the district attorney shall file a written response to the petition within 45 20 days  
 17 after the date he or she receives the petition.”

18 **7.** Page 1180, line 21: after that line insert:

19 “SECTION 3737m. 601.73 (2) (c) of the statutes is amended to read:

20 601.73 (2) (c) *Default judgment.* No plaintiff or complainant is entitled to a  
 21 judgment by default in any proceeding in which process is served under this section  
 22 and s. 601.72 until the expiration of 45 <sup>plain text.</sup> ~~20~~ days after the date of mailing of the process  
 23 under par. (b). If the proceeding is to foreclose or otherwise enforce a

24 ~~8.~~ Page 1205, line 18: after that line insert:

lien, or security interest, the plaintiff or complainant is not entitled to a judgment by default under this paragraph until the expiration of 20 days after the date of mailing of the process under par. (b).”

1 "SECTION 3826m. 801.02 (2) of the statutes is amended to read:

2 801.02 (2) A civil action in which only an in rem or quasi in rem judgment is  
3 sought is commenced as to any defendant when a summons and a complaint are filed  
4 with the court, provided service of an authenticated copy of the summons and of  
5 either the complaint or a notice of object of action under s. 801.12 is made upon the  
6 defendant under this chapter within ~~90~~ 60 days after filing."

7 9. Page 1205, line 21: after that line insert:

*Except as provided  
in par. (c), within*

8 "SECTION 3828g. 801.09 (2) (a) of the statutes is amended to read:

9 801.09 (2) (a) ~~Within 45~~ <sup>plain text</sup> ~~20~~ days, exclusive of the day of service, after the  
10 summons has been served personally upon the defendant or served by substitution  
11 personally upon another authorized to accept service of the summons for the  
12 defendant; or

13 SECTION 3828h. 801.09 (2) (b) of the statutes is amended to read:

14 801.09 (2) (b) Within ~~45~~ 20 days after a date stated in the summons, exclusive  
15 of such date, if no such personal or substituted personal service has been made, and  
16 service is made by publication. The date so stated in the summons shall be the date  
17 of the first required publication.

18 SECTION 3828jc. 801.095 (1) of the statutes is amended to read:

19 801.095 (1) PERSONAL SERVICE; COMPLAINT-ATTACHED.

*if the proceeding is to foreclose or otherwise enforce a lien upon security interest.*

SEC. 3828i. 801.09 (2) (c) of the statutes is created to read:

801.09(2)(c) within <sup>B</sup>20 days, exclusive of the day of service, after the <sup>SUMMONS</sup> summons has been served personally upon the defendant or served by substitution personally upon another authorized to accept service of the <sup>SUMMONS</sup> summons for the defendant.

1 STATE OF WISCONSIN CIRCUIT COURT : .... COUNTY

2  
3 A. B.

4 Address

5 City, State Zip Code File No. ....

6 , Plaintiff

7 vs. SUMMONS

8 C. D.

9 Address .... (Case Classification Type): .... (Code No.)

10 City, State Zip Code

11 , Defendant

12  
13 THE STATE OF WISCONSIN, To each person named above as a Defendant:

14 You are hereby notified that the Plaintiff named above has filed a lawsuit or  
15 other legal action against you. The complaint, which is attached, states the nature  
16 and basis of the legal action.

17 Within ~~45~~ <sup>(20)(45)</sup> days of receiving this summons, you must respond with a written  
18 answer, as that term is used in chapter 802 of the Wisconsin Statutes, to the  
19 complaint. The court may reject or disregard an answer that does not follow the  
20 requirements of the statutes. The answer must be sent or delivered to the court,  
21 whose address is ....., and to ....., Plaintiff's attorney, whose address is ....., You may  
22 have an attorney help or represent you. <sup>(20)(45) ✓</sup>

23 If you do not provide a proper answer within ~~45~~ <sup>(20)</sup> days, the court may grant  
24 judgment against you for the award of money or other legal action requested in the  
25 complaint, and you may lose your right to object to anything that is or may be

1 incorrect in the complaint. A judgment may be enforced as provided by law. A  
 2 judgment awarding money may become a lien against any real estate you own now  
 3 or in the future, and may also be enforced by garnishment or seizure of property.

4 Dated: ....., .... (year)

5 Signed: .... ....

6 A. B., Plaintiff

7 or

8 E. F., Plaintiff’s Attorney

9 State Bar No.: ....

10 Address: ....

11 City, State Zip Code: ....

12 Phone No: ....

13 **SECTION 3828je.** 801.095 (2) of the statutes is amended to read:

14 **801.095 (2) PERSONAL SERVICE; NO COMPLAINT ATTACHED.**



1 STATE OF WISCONSIN CIRCUIT COURT : .... COUNTY

2  
3 A. B.

4 Address

5 City, State Zip Cod File No. ....

6 , Plaintiff

7 vs. SUMMONS

8 C. D.

9 Address .... (Case Classification Type): .... (Code No.)

10 City, State Zip Code

11 , Defendant

12  
13 THE STATE OF WISCONSIN, To each person named above as a Defendant:

14 You are hereby notified that the Plaintiff named above has filed a lawsuit or  
15 other legal action against you.

16 Within ~~45~~ <sup>(20)(45)</sup> days of receiving this summons, you must respond with a written  
17 demand for a copy of the complaint. The demand must be sent or delivered to the  
18 court, whose address is ...., and to ...., Plaintiff's attorney, whose address is ..... You  
19 may have an attorney help or represent you.

20 If you do not demand a copy of the complaint within ~~45~~ <sup>(20)(45)</sup> days, the court may  
21 grant judgment against you for the award of money or other legal action requested  
22 in the complaint, and you may lose your right to object to anything that is or may be  
23 incorrect in the complaint. A judgment may be enforced as provided by law. A  
24 judgment awarding money may become a lien against any real estate you own now  
25 or in the future, and may also be enforced by garnishment or seizure of property.

1 Dated: ....., .... (year)

2 Signed: .... ....

3 A. B., Plaintiff

4 or

5 E. F., Plaintiff's Attorney

6 State Bar No.: ....

7 Address: ....

8 City, State Zip Code: ....

9 Phone No.: ....

10 SECTION 3828jg. 801.095 (3) of the statutes is amended to read:

11 801.095 (3) NO PERSONAL SERVICE; COMPLAINT SERVED AT THE SAME TIME.

12 STATE OF WISCONSIN CIRCUIT COURT : .... COUNTY

13 \_\_\_\_\_

14 A. B.

15 Address

16 City, State Zip Code File No. ....

17 , Plaintiff

18 vs. SUMMONS

19 C. D.

20 Address .... (Case Classification Type): .... (Code No.)

21 City, State Zip Code

22 , Defendant

23 \_\_\_\_\_  
24 THE STATE OF WISCONSIN, To each person named above as a Defendant:

1 You are hereby notified that the Plaintiff named above has filed a lawsuit or  
2 other legal action against you. The complaint, which is also served upon you, states  
3 the nature and basis of the legal action. ✓

4 Within 45 ~~20~~ <sup>(20) (45)</sup> days after ....., .... (year), you must respond with a written answer,  
5 as that term is used in chapter 802 of the Wisconsin Statutes, to the complaint. The  
6 court may reject or disregard an answer that does not follow the requirements of the  
7 statutes. The answer must be sent or delivered to the court, whose address is ....., and  
8 to ....., Plaintiff's attorney, whose address is ....., You may have an attorney help or  
9 represent you.

10 If you do not provide a proper answer within 45 ~~20~~ <sup>(20) (45)</sup> days, the court may grant  
11 judgment against you for the award of money or other legal action requested in the  
12 complaint, and you may lose your right to object to anything that is or may be  
13 incorrect in the complaint. A judgment may be enforced as provided by law. A  
14 judgment awarding money may become a lien against any real estate you own now  
15 or in the future, and may also be enforced by garnishment or seizure of property.

16 Dated: ....., .... (year)

17 Signed: .... ....

18 A. B., Plaintiff

19 or

20 E. F., Plaintiff's Attorney

21 State Bar No.: ....

22 Address: ....

23 City, State Zip Code: ....

24 Phone No: ....

25 SECTION 3828jm. 801.095 (4) of the statutes is amended to read:

1 801.095 (4) No PERSONAL SERVICE; COMPLAINT NOT SERVED AT THE SAME TIME.

2 STATE OF WISCONSIN CIRCUIT COURT : ... COUNTY

3 \_\_\_\_\_  
4 A. B.

5 Address

6 City, State Zip Code File No. ....

7 , Plaintiff

8 vs. SUMMONS

9 C. D.

10 Address .... (Case Classification Type): .... (Code No.)

11 City, State Zip Code

12 , Defendant

13 \_\_\_\_\_  
14 THE STATE OF WISCONSIN, To each person named above as a Defendant:

15 You are hereby notified that the plaintiff named above has filed a lawsuit or  
16 other legal action against you.

17 Within ~~45~~ <sup>(20)(45)</sup> days after ...., .... (year), you must respond with a written demand

18 for a copy of the complaint. The demand must be sent or delivered to the court, whose  
19 address is ...., and to ...., Plaintiff’s attorney, whose address is ..... You may have an  
20 attorney help or represent you.

21 If you do not demand a copy of the complaint within ~~45~~ <sup>(20)(45)</sup> days, the court may

22 grant judgment against you for the award of money or other legal action requested  
23 in the complaint, and you may lose your right to object to anything that is or may be  
24 incorrect in the complaint. A judgment may be enforced as provided by law. A

1 judgment awarding money may become a lien against any real estate you own now  
2 or in the future, and may also be enforced by garnishment or seizure of property.

3 Dated: ....., .... (year)

4 Signed: .... ....

5 A. B., Plaintiff

6 or

7 E. F., Plaintiff's Attorney

8 State Bar No.: ....

9 Address: ....

10 City, State Zip Code: ....

11 Phone No: ....

12 **SECTION 3828jp.** 801.15 (2) (a) of the statutes is amended to read:

13 801.15 (2) (a) When an act is required to be done at or within a specified time,  
14 the court may order the period enlarged but only on motion for cause shown and upon  
15 just terms. The ~~90-day~~ 60-day period under s. 801.02 may not be enlarged. If the  
16 motion is made after the expiration of the specified time, it shall not be granted  
17 unless the court finds that the failure to act was the result of excusable neglect. The  
18 order of enlargement shall recite by its terms or by reference to an affidavit in the  
19 record the grounds for granting the motion.

20 **SECTION 3828jr.** 802.06 (1) of the statutes is amended to read:

21 802.06 (1) WHEN PRESENTED. as provided in sub. (1m) or Except when a court dismisses an action or special  
22 proceeding under s. 802.05 (3), a defendant shall serve an answer within <sup>complaint</sup> ~~45~~ <sup>45</sup> days  
23 after the service of the complaint upon the defendant. Except as provided in sub. (1m), it If a guardian ad litem is  
24 appointed for a defendant, the guardian ad litem shall have <sup>plaint text</sup> ~~45~~ <sup>45</sup> days after  
25 appointment to serve the answer. A party served with a pleading stating a

① cross-claim against the party shall serve an answer thereto within ~~45~~ <sup>plain</sup> days after  
 2 the service upon the party. The plaintiff shall serve a reply to a counterclaim in the  
 ③ answer within ~~45~~ <sup>plain</sup> days after service of the answer. The state or an agency of the  
 4 state or an officer, employee or agent of the state shall serve an answer to the  
 5 complaint or to a cross-claim or a reply to a counterclaim within 45 days after service  
 6 of the pleading in which the claim is asserted. If any pleading is ordered by the court,  
 ⑦ it shall be served within ~~45~~ <sup>plain</sup> days after service of the order, unless the order  
 8 otherwise directs. The service of a motion permitted under sub. (2) alters these  
 9 periods of time as follows, unless a different time is fixed by order of the court: if the  
 10 court denies the motion or postpones its disposition until the trial on the merits, the  
 11 responsive pleading shall be served within 10 days after notice of the court's action;  
 12 or if the court grants a motion for a more definite statement, the responsive pleading  
 13 shall be served within 10 days after the service of the more definite statement.

14 **SECTION 3828jt.** 802.06 (6) of the statutes is amended to read: enforce a lien  
 15 **802.06 (6) MOTION TO STRIKE.** Upon motion made by a party before responding or security  
 16 to a pleading or, if no responsive pleading is after the service permitted upon motion made by a party interest  
 17 within ~~45~~ <sup>plain</sup> days after the service of the pleading upon the party) or within 20 days, if the proceeding is to foreclose or otherwise  
 18 own initiative at any time, the court may order stricken from any pleading any  
 19 insufficient defense or any redundant, immaterial, impertinent, scandalous or  
 20 indecent matter. after the service of the complaint upon the  
defendant or 20 days after the guardian ad litem's appointment

21 **SECTION 3828jv.** 802.09 (1) of the statutes is amended to read: appointment of  
 22 **802.09 (1) AMENDMENTS.** A party may amend the party's pleading once as a  
 23 matter of course at any time within 6 months after the summons and complaint are  
 24 filed or within the time set in a scheduling order under s. 802.10. Otherwise a party  
 25 may amend the pleading only by leave of court or by written consent of the adverse

45 Enforcement of lien or security interest.

SEE ~~3828js.~~ 802.06 (1m) is created to read:  
 802.06 (1m) IF the proceeding is to foreclose or otherwise enforce a lien or security interest, the defendant or guardian ad litem shall serve an answer within 20 days

enforce a lien or security interest,

1 party; and leave shall be freely given at any stage of the action when justice so  
2 requires. A party shall plead in response to an amended pleading within <sup>plain</sup> 45 ~~20~~ days  
3 or within 20 days after the service if the proceeding is to foreclose or otherwise  
4 after service of the amended pleading) unless (a) the court otherwise orders or (b) no  
responsive pleading is required or permitted under s. 802.01 (1).”

5 **10.** Page 1216, line 10: after that line insert:

6 “SECTION 3862v. 893.02 of the statutes is amended to read:

7 **893.02 Action, when commenced.** An action is commenced, within the  
8 meaning of any provision of law which limits the time for the commencement of an  
9 action, as to each defendant, when the summons naming the defendant and the  
10 complaint are filed with the court, but no action shall be deemed commenced as to  
11 any defendant upon whom service of authenticated copies of the summons and  
12 complaint has not been made within ~~90~~ 60 days after filing.”

13 **11.** Page 1255, line 21: after that line insert:

14 “SECTION 3997m. 961.555 (2) (a) of the statutes is amended to read:

15 961.555 (2) (a) The district attorney of the county within which the property  
16 was seized shall commence the forfeiture action within 30 days after the seizure of  
17 the property, except that the defendant may request that the forfeiture proceedings  
18 be adjourned until after adjudication of any charge concerning a crime which was the  
19 basis for the seizure of the property. The request shall be granted. The forfeiture  
20 action shall be commenced by filing a summons, complaint and affidavit of the person  
21 who seized the property with the clerk of circuit court, provided service of  
22 authenticated copies of those papers is made in accordance with ch. 801 within ~~90~~  
23 60 days after filing upon the person from whom the property was seized and upon  
24 any person known to have a bona fide perfected security interest in the property.”

1 **12.** Page 1265, line 11: after that line insert:

2 "SECTION 4018m. 973.076 (2) (a) of the statutes is amended to read:

3 973.076 (2) (a) The district attorney of the county within which the property  
4 was seized or in which the defendant is convicted shall commence the forfeiture  
5 action within 30 days after the seizure of the property or the date of conviction,  
6 whichever is earlier, except that the defendant may request that the forfeiture  
7 proceedings be adjourned until after adjudication of any charge concerning a crime  
8 which was the basis for the seizure of the property. The request shall be granted.  
9 The forfeiture action shall be commenced by filing a summons, complaint and  
10 affidavit of the person who seized the property with the clerk of circuit court,  
11 provided service of authenticated copies of those papers is made in accordance with  
12 ch. 801 within ~~90~~ 60 days after filing upon the person from whom the property was  
13 seized and upon any person known to have a bona fide perfected security interest in  
14 the property."

15 ✓ **13.** Page 1396, line 6: after that line insert:

16 "(8z) TIME LIMIT ON COURT ANSWERS. The treatment of sections ~~66.0418 (2) (c)~~  
17 ~~102.23 (1) (c)~~, ~~102.895 (14)~~, ~~108.225 (14)~~, ~~125.12 (2) (d)~~, ~~302.174 (5) (am)~~, 601.73  
18 (2) (c), ~~801.02 (2)~~, 801.09 (2) (a) and (b), 801.095 (1), (2), (3), and (4), ~~801.152 (2) (a)~~  
19 802.06 (1) <sup>(1m)</sup> and (6), <sup>and</sup> 802.09 (1) ~~803.02 (2) (a)~~ and ~~973.076 (2) (a)~~ of the  
20 statutes first applies to actions commenced on the effective date of this subsection."

21 (END)



ARC:.....Smith – AM1, Reducing time to answer complaints in circuit court  
civil actions from 45 days to 20 days

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1180, line 21: after that line insert:

3 “SECTION 3737m. 601.73 (2) (c) of the statutes is amended to read:

4 601.73 (2) (c) *Default judgment.* No plaintiff or complainant is entitled to a  
5 judgment by default in any proceeding in which process is served under this section  
6 and s. 601.72 until the expiration of 45 days after the date of mailing of the process  
7 under par. (b). If the proceeding is to foreclose or otherwise enforce a lien or security  
8 interest, the plaintiff or complainant is not entitled to a judgment by default under  
9 this paragraph until the expiration of 20 days after the date of mailing of the process  
10 under par. (b).”



1 THE STATE OF WISCONSIN, To each person named above as a Defendant:

2 You are hereby notified that the Plaintiff named above has filed a lawsuit or  
3 other legal action against you. The complaint, which is attached, states the nature  
4 and basis of the legal action.

5 Within 45 (20) (45) days of receiving this summons, you must respond with a  
6 written answer, as that term is used in chapter 802 of the Wisconsin Statutes, to the  
7 complaint. The court may reject or disregard an answer that does not follow the  
8 requirements of the statutes. The answer must be sent or delivered to the court,  
9 whose address is ....., and to ....., Plaintiff's attorney, whose address is ....., You may  
10 have an attorney help or represent you.

11 If you do not provide a proper answer within 45 (20) (45) days, the court may  
12 grant judgment against you for the award of money or other legal action requested  
13 in the complaint, and you may lose your right to object to anything that is or may be  
14 incorrect in the complaint. A judgment may be enforced as provided by law. A  
15 judgment awarding money may become a lien against any real estate you own now  
16 or in the future, and may also be enforced by garnishment or seizure of property.

17 Dated: ....., .... (year)

18 Signed: .... ....

19 A. B., Plaintiff

20 or

21 E. F., Plaintiff's Attorney

22 State Bar No.: ....

23 Address: ....

24 City, State Zip Code: ....

25 Phone No: ....

1 SECTION 3828je. 801.095 (2) of the statutes is amended to read:

2 801.095 (2) PERSONAL SERVICE; NO COMPLAINT ATTACHED.

3 STATE OF WISCONSIN CIRCUIT COURT : .... COUNTY

4 \_\_\_\_\_

5 A. B.

6 Address

7 City, State Zip Cod File No. ....

8 , Plaintiff

9 vs. S U M M O N S

10 C. D.

11 Address .... (Case Classification Type): .... (Code No.)

12 City, State Zip Code

13 , Defendant

14 \_\_\_\_\_

15 THE STATE OF WISCONSIN, To each person named above as a Defendant:

16 You are hereby notified that the Plaintiff named above has filed a lawsuit or  
17 other legal action against you.

18 Within 45 (20) (45) days of receiving this summons, you must respond with a  
19 written demand for a copy of the complaint. The demand must be sent or delivered  
20 to the court, whose address is ....., and to ....., Plaintiff's attorney, whose address is .....

21 You may have an attorney help or represent you.

22 If you do not demand a copy of the complaint within 45 (20) (45) days, the court  
23 may grant judgment against you for the award of money or other legal action  
24 requested in the complaint, and you may lose your right to object to anything that  
25 is or may be incorrect in the complaint. A judgment may be enforced as provided by

1 law. A judgment awarding money may become a lien against any real estate you own  
2 now or in the future, and may also be enforced by garnishment or seizure of property.

3 Dated: ....., .... (year)

4 Signed: ..... ..

5 A. B., Plaintiff

6 or

7 E. F., Plaintiff's Attorney

8 State Bar No.: ....

9 Address: ....

10 City, State Zip Code: ....

11 Phone No.: ....

12 SECTION 3828jg. 801.095 (3) of the statutes is amended to read:

13 801.095 (3) NO PERSONAL SERVICE; COMPLAINT SERVED AT THE SAME TIME.

14 STATE OF WISCONSIN

CIRCUIT COURT : .... COUNTY

15  
16 A. B.

17 Address

18 City, State Zip Code File No. ....

19 , Plaintiff

20 vs. S U M M O N S

21 C. D.

22 Address .... (Case Classification Type): .... (Code No.)

23 City, State Zip Code

24 , Defendant

25

1 THE STATE OF WISCONSIN, To each person named above as a Defendant:

2 You are hereby notified that the Plaintiff named above has filed a lawsuit or  
3 other legal action against you. The complaint, which is also served upon you, states  
4 the nature and basis of the legal action.

5 Within ~~45~~ (20) ~~(45)~~ days after ....., .... (year), you must respond with a written  
6 answer, as that term is used in chapter 802 of the Wisconsin Statutes, to the  
7 complaint. The court may reject or disregard an answer that does not follow the  
8 requirements of the statutes. The answer must be sent or delivered to the court,  
9 whose address is ....., and to ....., Plaintiff's attorney, whose address is ....., You may  
10 have an attorney help or represent you.

11 If you do not provide a proper answer within ~~45~~ (20) ~~(45)~~ days, the court may  
12 grant judgment against you for the award of money or other legal action requested  
13 in the complaint, and you may lose your right to object to anything that is or may be  
14 incorrect in the complaint. A judgment may be enforced as provided by law. A  
15 judgment awarding money may become a lien against any real estate you own now  
16 or in the future, and may also be enforced by garnishment or seizure of property.

17 Dated: ....., .... (year)

18 Signed: .... ....

19 A. B., Plaintiff

20 or

21 E. F., Plaintiff's Attorney

22 State Bar No.: ....

23 Address: ....

24 City, State Zip Code: ....

25 Phone No: ....



1 law. A judgment awarding money may become a lien against any real estate you own  
2 now or in the future, and may also be enforced by garnishment or seizure of property.

3 Dated: ....., .... (year)

4 Signed: .... ....

5 A. B., Plaintiff

6 or

7 E. F., Plaintiff's Attorney

8 State Bar No.: ....

9 Address: ....

10 City, State Zip Code: ....

11 Phone No: ....

12 **SECTION 3828jr.** 802.06 (1) of the statutes is amended to read:

13 802.06 (1) **WHEN PRESENTED.** Except as provided in sub. (1m) or when a court  
14 dismisses an action or special proceeding under s. 802.05 (3), a defendant shall serve  
15 an answer within 45 days after the service of the complaint upon the defendant. If  
16 Except as provided in sub. (1m), if a guardian ad litem is appointed for a defendant,  
17 the guardian ad litem shall have 45 days after appointment to serve the answer. A  
18 party served with a pleading stating a cross-claim against the party shall serve an  
19 answer thereto within 45 days after the service upon the party. The plaintiff shall  
20 serve a reply to a counterclaim in the answer within 45 days after service of the  
21 answer. The state or an agency of the state or an officer, employee or agent of the  
22 state shall serve an answer to the complaint or to a cross-claim or a reply to a  
23 counterclaim within 45 days after service of the pleading in which the claim is  
24 asserted. If any pleading is ordered by the court, it shall be served within 45 days  
25 after service of the order, unless the order otherwise directs. The service of a motion



1 permitted under sub. (2) alters these periods of time as follows, unless a different  
2 time is fixed by order of the court: if the court denies the motion or postpones its  
3 disposition until the trial on the merits, the responsive pleading shall be served  
4 within 10 days after notice of the court's action; or if the court grants a motion for a  
5 more definite statement, the responsive pleading shall be served within 10 days after  
6 the service of the more definite statement.

7 **SECTION 3828js.** 802.06 (1m) of the statutes is created to read:

8 **802.06 (1m) ENFORCEMENT OF LIEN OR SECURITY INTEREST.** If the proceeding is  
9 to foreclose or otherwise enforce a lien or security interest, the defendant or guardian  
10 ad litem shall serve an answer within 20 days after the service of the complaint upon  
11 the defendant or 20 days after appointment of the guardian ad litem.

12 **SECTION 3828jt.** 802.06 (6) of the statutes is amended to read:

13 **802.06 (6) MOTION TO STRIKE.** Upon motion made by a party before responding  
14 to a pleading or, if no responsive pleading is permitted upon motion made by a party  
15 within 45 days after the service of the pleading upon the party, or within 20 days after  
16 the service if the proceeding is to foreclose or otherwise enforce a lien or security  
17 interest, or upon the court's own initiative at any time, the court may order stricken  
18 from any pleading any insufficient defense or any redundant, immaterial,  
19 impertinent, scandalous or indecent matter.

20 **SECTION 3828jv.** 802.09 (1) of the statutes is amended to read:

21 **802.09 (1) AMENDMENTS.** A party may amend the party's pleading once as a  
22 matter of course at any time within 6 months after the summons and complaint are  
23 filed or within the time set in a scheduling order under s. 802.10. Otherwise a party  
24 may amend the pleading only by leave of court or by written consent of the adverse  
25 party; and leave shall be freely given at any stage of the action when justice so

1 requires. A party shall plead in response to an amended pleading within 45 days  
2 after service of the amended pleading, or within 20 days after the service if the  
3 proceeding is to foreclose or otherwise enforce a lien or security interest, unless (a)  
4 the court otherwise orders or (b) no responsive pleading is required or permitted  
5 under s. 802.01 (1).”.

6 **3.** Page 1396, line 6: after that line insert:

7 “(8z) TIME LIMIT ON COURT ANSWERS. The treatment of sections 601.73 (2) (c),  
8 801.09 (2) (a) and (c), 801.095 (1), (2), (3), and (4), 802.06 (1), (1m), and (6), and 802.09  
9 (1) of the statutes first applies to actions commenced on the effective date of this  
10 subsection.”.

11 (END)