

2003 Senate Bill 504

Date of enactment: **April 20, 2004**

Date of publication*: **May 4, 2004**

2003 WISCONSIN ACT 304

AN ACT *to renumber and amend* 815.18 (3) (f); *to amend* 815.18 (3) (f) (title); and *to create* 815.18 (2) (am), 815.18 (3) (f) 1. and 815.18 (3) (f) 3. of the statutes; **relating to:** life insurance and annuity contract exemptions from creditor claims.

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

SECTION 1. 815.18 (2) (am) of the statutes is created to read:

815.18 (2) (am) “Annuity” means a series of payments payable during the life of the annuitant or during a specific period.

SECTION 2. 815.18 (3) (f) (title) of the statutes is amended to read:

815.18 (3) (f) (title) *Life insurance and annuities.*

SECTION 3. 815.18 (3) (f) of the statutes is renumbered 815.18 (3) (f) 2. and amended to read:

815.18 (3) (f) 2. Any Except as provided in subd. 3. and par. (j), any unmaturred life insurance or annuity contract owned by the debtor and insuring the debtor, the debtor’s dependent, or an individual of whom the debtor is a dependent, other than a credit life insurance contract, and the debtor’s aggregate interest, not to exceed \$4,000 \$150,000 in value, in any accrued dividends, interest, or loan value of all unmaturred life insurance or annuity contracts owned by the debtor and insuring the debtor, the debtor’s dependent, or an individual of whom the debtor is a dependent.

SECTION 4. 815.18 (3) (f) 1. of the statutes is created to read:

815.18 (3) (f) 1. In this paragraph, “applicable date” means the earlier of the following:

a. The date on which the exemption is claimed.

b. The date, if any, that the cause of action was filed that resulted in the judgment with respect to which the execution order was issued.

SECTION 5. 815.18 (3) (f) 3. of the statutes is created to read:

815.18 (3) (f) 3. a. If the life insurance or annuity contract was issued less than 24 months before the applicable date, the exemption under this paragraph may not exceed \$4,000.

b. If the life insurance or annuity contract was issued at least 24 months but funded less than 24 months before the applicable date, the exemption under this paragraph is limited to the value of the contract the day before the first funding that occurred less than 24 months before the applicable date and the lesser of either the difference between the value of the contract the day before the first funding that occurred less than 24 months before the applicable date and the value of the contract on the applicable date or \$4,000.

* Section 991.11, WISCONSIN STATUTES 2001–02 : Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated” by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

SECTION 6. Initial applicability.

(1) The renumbering and amendment of section 815.18 (3) (f) of the statutes and the creation of section

815.18 (3) (f) 3. of the statutes first applies to exemptions claimed on the effective date of this subsection.

