

**Committee Name:**  
**Senate Committee –**  
**Judiciary, Corrections and Privacy**  
**(SC–JCP)**

**Appointments**

03hr\_SC–JCP\_Appt\_pt00

**Committee Hearings**

03hr\_SC–JCP\_CH\_pt00

**Committee Reports**

03hr\_SC–JCP\_CR\_pt00

**Clearinghouse Rules**

03hr\_SC–JCP\_CRule\_03–

**Executive Sessions**

03hr\_SC–JCP\_ES\_pt00

# Hearing Records

03hr\_ab0000

## 03hr\_sb0433

**Misc.**

03hr\_SC–JCP\_Misc\_pt00

**Record of Committee Proceedings**

03hr\_SC–JCP\_RCP\_pt00

**Vote Record**  
**Committee on Judiciary, Corrections and Privacy**

Date: 2-10-04

Moved by: SJ

Seconded by: F, #2

AB \_\_\_\_\_ SB 433 Clearinghouse Rule \_\_\_\_\_  
 AJR \_\_\_\_\_ SJR \_\_\_\_\_ Appointment \_\_\_\_\_  
 AR \_\_\_\_\_ SR \_\_\_\_\_ Other \_\_\_\_\_

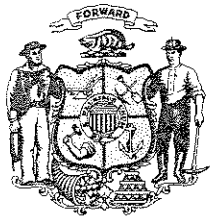
A/S Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_  
 A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

- Be recommended for:
- Passage       Adoption       Confirmation       Concurrence       Indefinite Postponement
  - Introduction       Rejection       Tabling       Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
<b>Senator David Zien, Chair</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Scott Fitzgerald</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Cathy Stepp</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Tim Carpenter</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator G. Spencer Coggs</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Totals:**      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_

Motion Carried       Motion Failed



# TED KANAVAS

## STATE SENATOR

**Date:** Tuesday, February 10, 2004

**To:** Members of the Senate Committee on Judiciary, Corrections and Privacy

**From:** Senator Kanavas

**Re:** Testimony in support of SB 433 - relating to: the time period for service of a responsive pleading.

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Chairman Zien and members of the Senate Committee on Judiciary, Corrections and Privacy, I appreciate the opportunity to testify in favor of Senate Bill 433.

In 1998, Wisconsin changed its response period for all lawsuit responses from 20 days to 45 days. This was requested by the Civil Trial Counsel of Wisconsin and supported by the Wisconsin Academy of Trial Lawyers. The reason for the change to 45 days was that some felt that the 20-day rule made it difficult to timely serve an answer or other responsive pleading when the defendant is outside of Wisconsin. This is true in most cases where insurance companies are located in a different state.

While it is arguable that tort law or insurance litigants deserve a longer period to respond, business litigants should not be punished by this enormously long waiting period.

Even the federal court jurisdiction throughout the fifty states insists that a legal action must be answered within 20 days. A search of other states' laws show that Wisconsin's 45-day period far exceeds that allowed in other states. On average, most states require 20 to 30 days as shown below:

Alabama - 14-30 days, Alaska - 20 days, Arizona - 20 days, Arkansas - 20 days, California - 30 days, Colorado - 20 days, Connecticut - 30 days, Delaware - 20 days, Florida - 20 days, Georgia - 30 days, Hawaii - 20 days, Idaho - 20 days, Illinois - 10-30 days, Indiana - 20 days, Iowa - 20 days, Kansas - 20 days, Kentucky - 20 days, Louisiana - 15 days, Maine - 20 days, Maryland - 15-30 days, Massachusetts - 20 days, Michigan - 21-28 days, Minnesota - 20 days, Mississippi - 30 days, Missouri - 30 days, Montana - 20 days, Nebraska - 20-30 days, Nevada - 20 days, New Hampshire - 15 days, New Jersey - 20-35 days, New Mexico - 20-30 days, New York - 20-30 days, North Carolina - 30 days, North Dakota - 20 days, Ohio - 28 days, Oklahoma - 20 days, Oregon - 30 days, Pennsylvania - 30 days, Puerto Rico - 20 days, Rhode Island - 20 days, South Carolina - 30 days, South Dakota - 30 days, Tennessee - 30 days, Texas - 10-30 days, Utah - 20-30 days, Vermont - 20 days, Virginia - 21 days, Washington - 20 days, West Virginia - 20 days, **Wisconsin - 45 days**, Wyoming - 20-30 days

The bill changes most responses to 20 days, however, if the responding party is an insurance company or the cause of action is a tort, the time period remains at 45 days. In addition, if the defendant is affiliated with the state and the action involves a claim for damages resulting from a public employee or official acting in his or her official capacity, the response time is 45 days.

SB 433 is good public policy. And, I ask for your support of this legislation.

STATE CAPITOL

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