

## 2005 ASSEMBLY BILL 432

1 AN ACT *to amend* 801.10 (4) (a); and *to create* 801.10 (1m) of the statutes;  
2 **relating to:** service of a summons by certain nonresidents.

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*Analysis by the Legislative Reference Bureau*

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

3 **SECTION 1.** 801.10 (1m) of the statutes is created to read:

4 **801.10 (1m)** SERVICE BY CERTAIN NONRESIDENTS. Notwithstanding sub. (1), an  
5 adult who is not a party to the action and who resides in Illinois, Iowa, Michigan, or  
6 Minnesota may serve an authenticated copy of the summons in this state.

7 **SECTION 2.** 801.10 (4) (a) of the statutes is amended to read:

8 **801.10 (4) (a)** Personal or substituted personal service shall be proved by the  
9 affidavit of the server indicating the time and date, place and manner of service; that  
10 the server is an adult resident of the state of service or, if service is made in this state,

**ASSEMBLY BILL 432****SECTION 2**

1 an adult resident of this state or of Illinois, Iowa, Michigan, or Minnesota and is not  
2 a party to the action; that the server knew the person served to be the defendant  
3 named in the summons; and that the server delivered to and left with the defendant  
4 an authenticated copy of the summons. If the defendant is not personally served, the  
5 server shall state in the affidavit when, where and with whom the copy was left, and  
6 shall state such facts as show reasonable diligence in attempting to effect personal  
7 service on the defendant. If the copy of the summons is served by a sheriff or deputy  
8 sheriff of the county in this state where the defendant was found, proof may be by  
9 the sheriff's or deputy's certificate of service indicating time and date, place, manner  
10 of service and, if the defendant is not personally served, the information required in  
11 the preceding sentence. The affidavit or certificate constituting proof of service  
12 under this paragraph may be made on an authenticated copy of the summons or as  
13 a separate document.

14 (END)