

2005 ASSEMBLY BILL 432

May 19, 2005 – Introduced by Representatives GARD, HAHN, GRONEMUS, RHOADES, KESTELL, NISCHKE, MURSAU, MUSSER, KRAWCZYK, M. WILLIAMS, F. LASEE, BIES, LOTHIAN, VAN ROY, HINES, ALBERS and PRIDEMORE, cosponsored by Senator DARLING. Referred to Committee on Corrections and the Courts.

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.

Analysis by the Legislative Reference Bureau

Current law permits a summons initiating a civil action to be served by any adult resident of the state where service is made, if that person is not a party to the action. This bill allows an adult who resides in Illinois, Iowa, Michigan, or Minnesota and who is not a party to the action to serve a summons in Wisconsin.

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

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

15 (END)