

**2013 DRAFTING REQUEST**

**Bill**

Received: **5/29/2013** Received By: **tkuczens**  
Wanted: **As time permits** Same as LRB:  
For: **Frank Lasee (608) 266-3512** By/Representing: **Rob**  
May Contact: Drafter: **tkuczens**  
Subject: **Courts - limitations** Addl. Drafters:  
Extra Copies:

Submit via email: **YES**  
Requester's email: **Sen.Lasee@legis.wisconsin.gov**  
Carbon copy (CC) to: **tracy.kuczenski@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

---

**Topic:**

Statute of limitations for bringing a claim related to a motor vehicle accident covered by an insurance policy

---

**Instructions:**

Same as LRB-2473

---

**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>
/?	tkuczens 5/30/2013	jdyer 5/30/2013	jfrantze 5/30/2013	_____			
/1	tkuczens 5/31/2013	jdyer 5/31/2013	phenry 5/31/2013	_____	lparisi 5/30/2013		
/2				_____	sbasford 5/31/2013	sbasford 8/21/2013	

FE Sent For:

*Not  
needed*

<END>

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			<i>ph x</i>	_____			

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/?	tkuczens	1 5/30 jld	Jb	5/30			

FE Sent For:

<END>

## Kuczenski, Tracy

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**From:** Rep.Spiros  
**Sent:** Wednesday, May 29, 2013 12:42 PM  
**To:** Kuczenski, Tracy  
**Subject:** RE: Draft review: LRB -1797/P1 Topic: Statute of limitations for bringing a claim related to a motor vehicle accident covered by an insurance policy

**Importance:** High

Tracy:

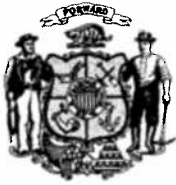
I need to make a few changes to this bill as it stands right now, and Sen. Lasee has authorization as does his staff to review and discuss it.

When you have a chance can you please call me. 264-8611 (My staff is on vacation)

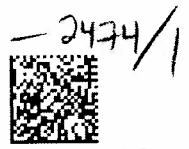
Thanks

*John*

*John Spiros  
State Representative  
District 86  
Room N 17  
Madison, WI*



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-2478/T

TKK:jld:jm

TODAY please

Stays RmnR

2013 BILL

5/30/13

no changes

✓

Regen

- 1 AN ACT to renumber and amend 893.43, 893.54 (intro.) and 893.54 (1) and (2);
- 2 to amend 893.52; and to create 893.43 (2) and 893.54 (2m) of the statutes;
- 3 relating to: statutes of limitation on claims involving property damage and on
- 4 claims arising from a motor vehicle accident and covered by a motor vehicle
- 5 insurance policy. ✓

**Analysis by the Legislative Reference Bureau**

Under current law, the time limit for initiating a civil action on a contract or obligation, including an insurance policy, is generally six years after the cause of action accrues. This bill changes the time limit to two years in those cases in which the contract is a motor vehicle insurance policy. The bill describes a motor vehicle insurance policy as a policy of insurance issued or delivered in this state against the insured's liability for loss or damage resulting from accident caused by any motor vehicle, whether the loss or damage is to property or to a person.

Current law also requires a person seeking to recover damages for injuries to the person or for death caused by the wrongful act, neglect, or default of another to initiate a civil action in three years. This bill changes the time limit for initiating a civil action to two years in those cases in which the death is caused by or arising from an accident involving a motor vehicle covered by a motor vehicle insurance policy.

Finally, current law requires a person seeking damages for an injury to real or personal property to initiate a civil action within six years after the cause of action



**BILL**

accrues. This bill changes the time limit for initiating such a civil action to three years.

---

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

1           **SECTION 1.** 893.43 of the statutes is renumbered 893.43 (1) and amended to  
2 read:

3           893.43 (1) ~~An~~ Except as provided in sub. (2), an action upon any contract,  
4 obligation, or liability, express or implied, including an action to recover fees for  
5 professional services, except those mentioned in s. 893.40, shall be commenced  
6 within 6 years after the cause of action accrues or be barred.

7           **SECTION 2.** 893.43 (2) of the statutes is created to read:

8           893.43 (2) An action upon a motor vehicle insurance policy described in s.  
9 632.32 (1) shall be commenced within 2 years after the cause of action accrues or be  
10 barred.

11           **SECTION 3.** 893.52 of the statutes is amended to read:

12           **893.52 Action for damages for injury to property.** ~~An~~ Except in the case  
13 where a different period is expressly prescribed, an action, not arising on contract,  
14 to recover damages for an injury to real or personal property shall be commenced  
15 within ~~6~~ 3 years after the cause of action accrues or be barred, ~~except in the case~~  
16 ~~where a different period is expressly prescribed.~~

17           **SECTION 4.** 893.54 (intro.) of the statutes is renumbered 893.54 (1m) (intro.)  
18 and amended to read:

19           893.54 (1m) (intro.) ~~The~~ Except as provided in sub. (2m), the following actions  
20 shall be commenced within 3 years or be barred:



**Kuczenski, Tracy**

---

**From:** Spiros, John  
**Sent:** Thursday, May 30, 2013 9:00 PM  
**To:** Kuczenski, Tracy  
**Subject:** Re: Draft review: LRB -2473/1 Topic: Statute of limitations for bringing a claim related to a motor vehicle accident covered by an insurance policy

I did not jacket it yet, change it from 6 to 3 years. That will work. Also, have Cathlene e-mail me so I can meet with her next week.

Thank you very much Tracy.

John

Sent from my iPhone

On May 30, 2013, at 20:56, "Kuczenski, Tracy" <[Tracy.Kuczenski@legis.wisconsin.gov](mailto:Tracy.Kuczenski@legis.wisconsin.gov)> wrote:

> Rep. Spiros:

>

> 1. Which is your preference: to change the contract SOL to 3 years, or to keep the current SOL of 6 years? Either way I will need to amend the bill, and either option is an easy fix, so just let me know your preference. It wasn't clear from your v.m. message whether you had had the bill jacketed. Assuming you have not, I will be able to make the changes and have the bill submitted to you tomorrow.

>

> [REDACTED]

>

> Thanks,

> Tracy

>

>

> -----Original Message-----

> From: Spiros, John

> Sent: Thu 5/30/2013 8:25 PM

> To: Kuczenski, Tracy

> Subject: Re: Draft review: LRB -2473/1 Topic: Statute of limitations  
> for bringing a claim related to a motor vehicle accident covered by an  
> insurance policy

>

> Thanks Tracy. Yes, let's take out the contract part and leave it at 6 years. If someone has an issue with it then we can add back in. Unless we just move from 6 to 3 years, which is fine with me.

>

> [REDACTED]

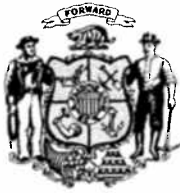
>

> Thanks

>

> John

>



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-2474/L 2  
TKK:jld:jf  
P. M. R.

2013 BILL

5/3/13

Today

✓

Regen

1 AN ACT *to renumber and amend* 893.43, 893.54 (intro.) and 893.54 (1) and (2);  
2 *to amend* 893.52; and *to create* 893.43 (2) and 893.54 (2m) of the statutes;  
3 **relating to:** statutes of limitation on claims involving property damage and on  
4 claims arising from a motor vehicle accident and covered by a motor vehicle  
5 insurance policy.

*Analysis by the Legislative Reference Bureau* three

Under current law, the time limit for initiating a civil action on a contract or obligation, including an insurance policy, is generally six years after the cause of action accrues. This bill changes the time limit to two years in those cases in which the contract is a motor vehicle insurance policy. The bill describes a motor vehicle insurance policy as a policy of insurance issued or delivered in this state against the insured's liability for loss or damage resulting from accident caused by any motor vehicle, whether the loss or damage is to property or to a person.

Current law also requires a person seeking to recover damages for injuries to the person or for death caused by the wrongful act, neglect, or default of another to initiate a civil action in three years. This bill changes the time limit for initiating a civil action to two years in those cases in which the death is caused by or arising from an accident involving a motor vehicle covered by a motor vehicle insurance policy.

Finally, current law requires a person seeking damages for an injury to real or personal property to initiate a civil action within six years after the cause of action

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1           **SECTION 1.** 893.43 of the statutes is renumbered 893.43 (1) and amended to  
2 read:

3           893.43 (1) ~~An~~ Except as provided in sub. (2), an action upon any contract,  
4 obligation, or liability, express or implied, including an action to recover fees for  
5 professional services, except those mentioned in s. 893.40, shall be commenced  
6 within 6 years after the cause of action accrues or be barred.

7           **SECTION 2.** 893.43 (2) of the statutes is created to read:

8           893.43 (2) An action upon a motor vehicle insurance policy described in s.  
9 632.32 (1) shall be commenced <sup>✓</sup> within ~~2~~ <sub>3</sub> years after the cause of action accrues or be  
10 barred.

11           **SECTION 3.** 893.52 of the statutes is amended to read:

12           **893.52 Action for damages for injury to property.** ~~An~~ Except in the case  
13 where a different period is expressly prescribed, an action, not arising on contract,  
14 to recover damages for an injury to real or personal property shall be commenced  
15 within ~~6~~ 3 years after the cause of action accrues or be barred, ~~except in the case~~  
16 ~~where a different period is expressly prescribed.~~

17           **SECTION 4.** 893.54 (intro.) of the statutes is renumbered 893.54 (1m) (intro.)  
18 and amended to read:

19           893.54 (1m) (intro.) ~~The~~ Except as provided in sub. (2m), the following actions  
20 shall be commenced within 3 years or be barred:

**BILL**

1           **SECTION 5.** 893.54 (1) and (2) of the statutes are renumbered 893.54 (1m) (a)  
2 and (b), and 893.54 (1m) (a), as renumbered, is amended to read:

3           893.54 **(1m)** (a) An action to recover damages for injuries to the person,  
4 including an action to recover damages for injuries to the person caused or sustained  
5 by or arising from an accident involving a motor vehicle covered by a motor vehicle  
6 policy described in s. 632.32 (1).

7           **SECTION 6.** 893.54 (2m) of the statutes is created to read:

8           893.54 **(2m)** An action brought to recover damages for death caused by the  
9 wrongful act, neglect, or default of another and arising from an accident involving  
10 a motor vehicle covered by a motor vehicle insurance policy described in s. 632.32 (1)  
11 shall be commenced within 2<sup>✓</sup> years after the cause of action accrues or be barred.

12           **SECTION 7. Initial applicability.**

13           (1) This act first applies to actions or special proceedings that are commenced  
14 on the effective date of this subsection.

15

(END)

**Rose, Stefanie**

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**From:** Kovach, Robert  
**Sent:** Wednesday, August 21, 2013 12:08 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -2474/2 Topic: Statute of limitations for bringing a claim related to a motor vehicle accident covered by an insurance policy

Please Jacket LRB -2474/2 for the SENATE.