



2013 ASSEMBLY BILL 367

September 13, 2013 - Introduced by Representatives SPIROS, BROOKS, CRAIG, JACQUE, KLEEFISCH, STROEBEL, THIESFELDT and BIES, cosponsored by Senators LASEE and GROTHMAN. Referred to Committee on Judiciary.

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 three 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

ASSEMBLY BILL 367

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 3 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:

