

**2015 DRAFTING REQUEST**

**Bill**

Received: 4/13/2015 Received By: tkuczens  
Wanted: As time permits Same as LRB:  
For: John Spiros (608) 266-1182 By/Representing:  
May Contact: Drafter: tkuczens  
Subject: Courts - limitations Addl. Drafters:  
Extra Copies:

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

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**Pre Topic:**

No specific pre topic given

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**Topic:**

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

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**Instructions:**

2013 SB 281

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**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 4/16/2015	eweiss 4/16/2015		_____			
/1				_____	mbarman 4/16/2015	rosse 4/21/2015	

FE Sent For:

*None  
Needed*

<END>



State of Wisconsin  
2013 - 2014 LEGISLATURE

2200/1



LRB-2474/2

TKK:jdph

FAHR

emw

2015

**2013 SENATE BILL 281**

PWF

4/16/15 NO changes

Worked 4/16 or 4/17

September 5, 2013 – Introduced by Senators LASEE and GROTHMAN, cosponsored by Representatives SPIROS, BROOKS, CRAIG, JACQUE, KLEEFISCH, STROEBEL and THIESFELDT. Referred to Committee on Judiciary and Labor.

S.A.W  
Xref ✓

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 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

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**SENATE BILL 281**

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

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

1           <sup>✓</sup>**SECTION 1.** 893.43 of the statutes is renumbered 893.43 (1) and amended to  
2 read:

3           893.43 (1) <sup>✓</sup>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           <sup>✓</sup>**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 <sup>✓</sup>632.32 (1) shall be commenced within 3 years after the cause of action accrues or be  
10 barred.

11           <sup>✓</sup>**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.) <sup>✓</sup>The Except as provided in sub. (2m), the following actions  
20 shall be commenced within 3 years or be barred:



## **Rose, Stefanie**

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**From:** LRB.Legal  
**Sent:** Tuesday, April 21, 2015 11:20 AM  
**To:** Kuczenski, Tracy  
**Subject:** FW: Draft Review: LRB -2200/1 Topic: Statute of limitations for bringing a claim related to a motor vehicle accident covered by an insurance policy

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**From:** Kovach, Robert  
**Sent:** Tuesday, April 21, 2015 11:15 AM  
**To:** Hodkiewicz, Angela; LRB.Legal  
**Subject:** RE: Draft Review: LRB -2200/1 Topic: Statute of limitations for bringing a claim related to a motor vehicle accident covered by an insurance policy

It is Senator Lasee's wish to have a senate version of this bill jacketed.

## **Rob Kovach**

Policy Advisor/Committee Clerk  
Office of Senator Frank Lasee  
(608) 266-3512

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**From:** Hodkiewicz, Angela  
**Sent:** Tuesday, April 21, 2015 11:10 AM  
**To:** LRB.Legal  
**Cc:** Kovach, Robert  
**Subject:** Draft Review: LRB -2200/1 Topic: Statute of limitations for bringing a claim related to a motor vehicle accident covered by an insurance policy

Please Jacket the Senate Version for Sen. Lasse. Rob in his office has been cc'ed on this email and will follow up with approval

Thanks!

## *Angela Hodkiewicz*

Research Assistant  
Committee Clerk, Assembly Committee on Ways and Means  
Office of Representative John Spiros  
86<sup>th</sup> Assembly District  
(608) 266.1182

Please Jacket LRB -2200/1 for the ASSEMBLY.