

No. 292, A.]

[Published July 2, 1943.]

**CHAPTER 394.**

AN ACT to amend 261.01 (5) of the statutes, relating to place of trial in civil actions against insurance companies.

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

261.01 (5) of the statutes is amended to read:

261.01 (5) Of an action against an insurance company, to recover on a policy of insurance, the county in which the defendant has its principal office or in which the plaintiff resides or, if brought by a person in a representative capacity by appointment of a court in the county in which such appointment was had, provided, however, that in the event an insurance company is sued or made a party to an action growing out of the negligent operation of a motor vehicle, the proper place of trial shall be in the county where the cause of action arose or where the person or persons, covered by an insurance policy by reason of which such insurance company is sued or made a party to said action, resides.

Approved June 29, 1943.

---

No. 314, A.]

[Published July 2, 1943.]

**CHAPTER 395.**

AN ACT to amend 85.05 (3) of the statutes, relating to effect of service of process upon a nonresident using highways of the state.

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

85.05 (3) of the statutes is amended to read:

85.05 (3) The use and operation by a nonresident of a motor vehicle over the highways of Wisconsin shall be deemed an *irrevocable appointment binding upon his executor, administrator or personal representative* by such nonresident of the commissioner of the motor vehicle department to be his true and lawful attorney upon whom may be served all legal processes in any action or proceeding against him, or his executor, administrator, or personal representative, growing out of such use or operation result-

ing in damage or loss to person or property, and said use or operation shall be a signification of his agreement that any such process against him, *or his executor, administrator, or personal representative*, which is so served shall be of the same legal force and validity as if served on him personally, *or his executor, administrator or personal representative*. Service of such process shall be made by serving a copy upon the commissioner of the motor vehicle department or by filing such copy in his office, together with a fee of \$2, and such service shall be sufficient service upon the said nonresident, *or his executor, administrator or personal representative*; provided, that notice of such service and a copy of the process are within 10 days thereafter sent by mail by the plaintiff to the defendant, *or his executor, administrator or personal representative*, at his last known address, and that the plaintiff's affidavit of compliance herewith is appended to the summons. The fee of \$2 paid by the plaintiff to the commissioner of the motor vehicle department at the time of the service shall be taxed in his costs if he prevails in the suit. The commissioner of the motor vehicle department shall keep a record of all such processes which shall show the day and hour of service.

Approved June 29, 1943.

No. 319, A.]

[Published July 2, 1943.]

### CHAPTER 396.

AN ACT to amend 201.20 of the statutes, relating to loss, part borne by insured.

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

201.20 of the statutes is amended to read:

201.20 A policy may provide that the insured shall bear \* \* \* a part of any loss as provided therein. \* \* \* *No such provision shall be valid unless the extent of the insured's participation in any loss is clearly indicated within the policy or by endorsement added to the policy.*

Approved June 29, 1943.