

No. 716, A.]

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CHAPTER 658.

AN ACT to amend 85.09 (7) (b) and (10) (c) and to repeal and recreate 85.09 (10) (b) of the statutes, relating to the motor vehicle safety responsibility law.

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

SECTION 1. 85.09 (7) (b) of the statutes is amended to read:

85.09 (7) (b) One year shall have elapsed following the date of such accident and * * * no notice having been filed with the commissioner by any claimant within 13 months from the date of accident of any action instituted by any party in interest within one year from the date of the accident by actual service of summons within such one year period. Such notice shall include, if the action was commenced in a court of record, a certified copy of the summons and complaint filed therein and, if the action was commenced before a justice of the peace, a certificate from the justice of the peace to that fact; or

SECTION 2. 85.09 (10) (b) of the statutes is repealed and recreated to read:

85.09 (10) (b) Upon service on the state treasurer, which service shall be by mail only, of a certified copy of an order by the court which rendered such a judgment for damages, entered upon notice as provided in section 269.31 to every person upon whose behalf the deposit was made who is a party to the action after the entry of the judgment, directing surrender of the amount of the deposit specified therein to the court for application to the judgment, the state treasurer shall transmit to the clerk of the court money or securities or both to the amount directed in the order or if insufficient to the extent of the deposit. Securities transmitted shall be valued at the same amount as when received from the motor vehicle department. The state treasurer shall have no further responsibility for the amount of the deposit so transmitted and the court shall determine and direct the application thereof, provided that any excess shall be returned to the state treasurer to be held by him subject to the same conditions and disposition as the original deposit. If more than one order is served the state treasurer shall comply therewith in the order of priority of service upon him.

SECTION 3. 85.09 (10) (c) of the statutes is amended to read:

85.09 (10) (c) Such deposit or any balance thereof shall be returned to the depositor or his personal representative when evidence satisfactory to the commissioner has been filed with him that there has been a release from liability, or a final adjudication of non-liability, or a warrant for confession of judgment or a duly acknowledged agreement, in accordance with subsection (6) (d) or whenever, after the expiration of one year from the date of the accident, or within one year after the date of deposit of any security under subsection (7) (c), * * * and no notice having been filed with the commissioner by any claimant within 13 months from date of accident of any action instituted by any party in interest within one year from the date of the accident by actual service of summons within such one year period. Such notice shall include, if the action was commenced in a court of record, a certified copy of the summons and complaint filed therein and, if the action was commenced before a justice of the peace, a certificate from the justice of the peace to that fact.

Approved July 19, 1951.