

No. 46, S.]

[Published June 16, 1953.

### CHAPTER 255

AN ACT to amend 85.09 (7) (b) and (10) (c) of the statutes, relating to the inclusion of counterclaim and impleadings in the 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, *counterclaim or impleadings* 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) (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 sub. (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 sub. (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, *counterclaim or impleadings* 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 June 10, 1953.