

CHAPTER 327, Laws of 1975

AN ACT to create 885.285 of the statutes, relating to settlements and advance payments of claims for damages.

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

885.285 of the statutes is created to read:

885.285 Settlement and advance payment of claim for damages. (1) No admission of liability shall be inferred from the following:

(a) A settlement with or any payment made to an injured person, or to another on behalf of any injured person, or any person entitled to recover damages on account of injury or death of such person; or

(b) A settlement with or any payment made to a person or on his behalf to another for injury to or destruction of property.

(2) Any settlement or payment under sub. (1) is not admissible in any legal action unless pleaded as a defense.

(3) Any settlement or advance payment under sub. (1) shall be credited against any final settlement or judgment between the parties. Upon motion to the court in the absence of the jury and on submission of proper proof prior to entry of judgment on a verdict, the court shall apply the provisions of s. 895.045 and then shall reduce the amount of the damages so determined by the amount of the payments made. Any rights of contribution between joint tort feasons shall be determined on the amount of the verdict prior to reduction because of a settlement or advance payment.

(4) The period fixed for the limitation for the commencement of actions shall be either the period of time remaining under the original statute of limitations or 3 years from the date of the last payment made under sub. (1), whichever is greater.
