

1977 Assembly Bill 705

Date published: May 23, 1978

CHAPTER 390, Laws of 1977

AN ACT to amend 893.33 (1); and to create 893.235 of the statutes, relating to time limitations on actions against health providers brought by or on behalf of minors.

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

SECTION 1. Legislative findings. The legislature finds that:

(a) The number of suits and claims for damages arising from professional patient care has increased tremendously in the past several years and the size of judgments and settlements in connection therewith has increased even more substantially, especially in the case of minors.

(b) The effect of the increasing frequency of judgments and settlements and the increasing size of these judgments and settlements, particularly in the case of minors, has been to cause the insurance industry uniformly and substantially to increase the reserves it has established to provide for potential liability arising from suits by and on behalf of minors.

(c) These increased reserves have resulted in increased insurance costs which have been passed on to health care providers in the form of higher premiums and to patients in the form of higher charges for health care services and facilities.

(d) That the interests of minor children can be adequately and fully protected by adopting the same time limit for bringing actions as applies to adults, except in the case of very young children.

(e) That the interests of very young minor children can be adequately and fully protected by extending the time limits in which actions may be brought to age 10.

SECTION 2. 893.235 of the statutes is created to read:

893.235 Health care providers; minors actions. Any person under the age of 18, who is not under disability by reason of insanity, developmental disability or imprisonment, shall bring an action to recover damages for injuries to the person arising from any treatment or operation performed by, or for any omission by, a person who is licensed, certified, registered or authorized to practice as a health care provider under state law within the time limitation under s. 893.205 (1) or by the time that person reaches the age of 10 years, whichever is later. That action shall be brought by the parent, guardian or other person having custody of the minor within the time limit set forth in this section.

SECTION 3. 893.33 (1) of the statutes is amended to read:

893.33 (1) Within the age of 18 years, except for actions against health care providers; or