

1979 Assembly Bill 1169

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## CHAPTER 258, Laws of 1979

AN ACT to amend 344.02 (4), 344.08 (2) and 344.18 (1) (d) and (3) (b); and to repeal and recreate 344.20 (3) of the statutes, relating to the duration of suspension period for failure to report an accident or failure to deposit security.

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

SECTION 1. 344.02 (4) of the statutes is amended to read:

344.02 (4) The time during which enforcement of an order of suspension is stayed pending completion of court review thereof shall not be included as part of the ~~13-month~~ one-year period fixed by s. 344.18 (1) (d).

SECTION 2. 344.08 (2) of the statutes is amended to read:

344.08 (2) Any operating privilege suspended ~~pursuant to~~ under this section, or suspended ~~pursuant to~~ under any other section for failure to report an accident, shall be reinstated in accordance with s. 344.09 at the end of ~~13 months~~ one year following the ~~accident~~ effective date of the suspension order if, during such ~~13-month~~ one-year period, no notice of action instituted within one year from the date of the accident has been filed with the department in the manner specified in s. 344.18 (1) (d).

SECTION 3. 344.18 (1) (d) of the statutes, as affected by chapter 32, laws of 1979, is amended to read:

344.18 (1) (d) ~~Thirteen months have~~ One year has elapsed since the effective date of the ~~accident~~ suspension order and, during such period, no notice has been filed with the secretary by any claimant that an action was commenced by a party in interest within the one-year period following the date of the accident or by service of counterclaim or cross-complaint within the 20-day answer period. If the action was commenced in a court of record, the notice required by this paragraph shall include a certified copy of the summons and complaint or counterclaim or cross-complaint and proof of service filed therein. In all cases of service under s. 345.09 ~~(nonresident service)~~, an additional notice and

service must be made under ~~ch. 344~~ this chapter to avail oneself of the provisions of ~~said~~ this chapter.

SECTION 4. 344.18 (3) (b) of the statutes is amended to read:

344.18 (3) (b) ~~Thirteen months have~~ One year has elapsed since the date when the security was required and, during such period, no notice has been filed with the secretary by any claimant that an action was commenced by a party in interest within the one-year period following the date when such security was required or by service of counterclaim or cross-complaint within the 20-day answer period. The notice required by this paragraph shall comply with sub. (1) (d).

SECTION 4m. 344.20 (3) of the statutes is repealed and recreated to read:

344.20 (3) (a) The deposit of security or any balance thereof shall be returned to the depositor or the personal representative under the conditions provided in par. (b) or (c).

(b) The deposit or any balance thereof shall be returned when evidence satisfactory to the secretary has been filed that one of the contingencies specified in s. 344.18 (1) (b), (c) or (d) or (3) (b) has occurred.

(c) If the provisions of s. 344.18 (1) (b), (c) or (d) or (3) (b) are not applicable, the deposit or any balance thereof shall be returned when one year has elapsed from the date the deposit was made and during that period no notice has been filed with the secretary by any claimant that an action was commenced by a party in interest within the one-year period following the date of the accident or by service of counterclaim or cross complaint within the 20-day answer period. If the action was commenced in a court of record, the notice required by this paragraph shall include a certified copy of the summons and complaint or counterclaim or cross complaint and proof of service filed therein. In all cases of service under s. 345.09, an additional notice and service must be made under this chapter to avail oneself of the provisions of this chapter.

SECTION 5. **Effective date.** This act takes effect on the first day of the first month commencing after publication and applies to all accidents occurring on or after that date.

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