



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBs0598/3
RPN:kjf:rs

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 1071**

March 2, 2006 – Offered by Representative STASKUNAS.

1 **AN ACT** *to renumber and amend* 893.16 (1); *to amend* 893.56; and *to create*
2 893.16 (1) (b) and 893.16 (1) (c) of the statutes; **relating to:** court actions by
3 persons with disabilities.

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

4 **SECTION 1.** 893.16 (1) of the statutes is renumbered 893.16 (1) (a) and amended
5 to read:
6 893.16 (1) (a) ~~If Except as provided in s. 893.56, if a person entitled to bring an~~
7 ~~action is, at the time the cause of action accrues, either under the age of 18 years,~~
8 ~~except for actions against health care providers; or mentally ill,~~ the action may be
9 commenced within 2 years after the disability ceases, ~~except that where the~~
10 ~~disability is due to mental illness, the period of limitation prescribed in this chapter~~
11 ~~may not be extended for more than 5 years~~ person becomes 18 years of age.

1 **SECTION 2.** 893.16 (1) (b) of the statutes is created to read:

2 893.16 (1) (b) Notwithstanding par. (a), if a person entitled to bring an action
3 is, at the time the cause of action accrues, under the age of 18 years and under a
4 disability by reason of being mentally ill or developmentally disabled, the action may
5 be commenced within 2 years after the person becomes 18 years of age.

6 **SECTION 3.** 893.16 (1) (c) of the statutes is created to read:

7 893.16 (1) (c) Notwithstanding pars. (a) and (b), if a person entitled to bring an
8 action is, at the time the cause of action accrues, age 18 or older and under a disability
9 by reason of being mentally ill or developmentally disabled, the action may be
10 commenced within 2 years after the disability ceases, except that the period of
11 limitation prescribed in this chapter may not be extended for more than 5 years.

12 **SECTION 4.** 893.56 of the statutes is amended to read:

13 **893.56 Health care providers; minors actions.** Any person who is under
14 the age of 18, at the time the cause of the action accrues and who is not under
15 disability by reason of insanity, developmental disability or imprisonment, mental
16 illness shall bring an action to recover damages for injuries to the person arising from
17 any treatment or operation performed by, or for any omission by a health care
18 provider within the time limitation under s. 893.55 or by the time that person reaches
19 the age of 10 years, whichever is later. That action shall be brought by the parent,
20 guardian or other person having custody of the minor within the time limit set forth
21 in this section.

22 **SECTION 5. Initial applicability.**

23 (1) This act first applies to actions accruing on the effective date of this
24 subsection.

25

(END)