



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBa1191/1
RPN:lmk:ch

**ASSEMBLY AMENDMENT 1,
TO 2005 ASSEMBLY BILL 680**

October 20, 2005 – Offered by Representative BALLWEG.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 9: after that line insert:

3 “**SECTION 2m.** 799.01 (1) (e) of the statutes is created to read:

4 799.01 (1) (e) *Negligence claims.* Notwithstanding par. (d), civil actions arising
5 out of a claim based on negligence where the amount claimed is \$5,000 or less.”.

6 **2.** Page 2, line 5: after that line insert:

7 “**SECTION 3c.** 802.04 (1) of the statutes is amended to read:

8 802.04 (1) **CAPTION.** Every pleading shall contain a caption setting forth the
9 name of the court, the venue, the title of the action, the file number, and a designation
10 as in s. 802.01 (1). If a pleading contains motions, or an answer or reply contains
11 cross-claims or counterclaims, the designation in the caption shall state their
12 existence. In the complaint the caption of the action shall include the standardized
13 description of the case classification type and associated code number as approved

1 by the director of state courts, and the title of the action shall include the names and
2 addresses of all the parties, indicating the representative capacity, if any, in which
3 they sue or are sued and, in actions by or against a corporation, the corporate
4 existence and its domestic or foreign status shall be indicated. In pleadings other
5 than the complaint, it is sufficient to state the name of the first party on each side
6 with an appropriate indication of other parties. Every pleading commencing an
7 action under s. 814.61 (1) (a) or 814.62 (1) or (2) and every complaint filed under s.
8 814.61 (3) shall contain in the caption, if the action includes a claim for a money
9 judgment, a statement of whether the amount claimed is greater than the amount
10 under s. 799.01 (1) (d) or, if the claim is based on negligence, s. 799.01 (1) (e).

11 **SECTION 3g.** 814.85 (1) (b) of the statutes is amended to read:

12 814.85 (1) (b) Notwithstanding par. (a), the clerk of circuit court shall charge
13 and collect a \$169 court support services surcharge from any person, including any
14 governmental unit, as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a)
15 or (3) or 814.62 (1) or (2), if the party paying the fee seeks the recovery of money and
16 the amount claimed exceeds the amount under s. 799.01 (1) (d) or, if the claim is based
17 on negligence, s. 799.01 (1) (e).

18 **SECTION 3m.** 814.85 (1) (c) of the statutes is amended to read:

19 814.85 (1) (c) Notwithstanding par. (a), the clerk of circuit court shall charge
20 and collect a \$51 court support services surcharge from any person, including any
21 governmental unit, as defined in s. 108.02 (17), paying a fee under s. 814.62 (3) (a)
22 or (b), or paying a fee under s. 814.61 (1) (a) or (3) or 814.62 (1) or (2) if the party
23 paying the fee seeks the recovery of money and the amount claimed is equal to or less

1 than the amount under s. 799.01 (1) (d) or, if the claim is based on negligence, s.
2 799.01 (1) (e).”.

3 (END)