



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBa2426/1
RPN:jld:jf

**ASSEMBLY AMENDMENT 1,
TO 2005 SENATE BILL 99**

March 8, 2006 – Offered by COMMITTEE ON JUDICIARY.

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

2 **1.** Page 5, line 11: delete the material beginning with that line and ending with
3 line 17 and substitute:

4 “**SECTION 8m.** 801.09 (2) (a) of the statutes is renumbered 801.09 (2) (a) 1. and
5 amended to read:

6 801.09 (2) (a) 1. Except as provided in ~~par. (e) subds. 2. and 3.~~, within 45 20 days,
7 exclusive of the day of service, after the summons has been served personally upon
8 the defendant or served by substitution personally upon another authorized to
9 accept service of the summons for the defendant; ~~or.~~

10 **SECTION 8n.** 801.09 (2) (a) 2. and 3. of the statutes are created to read:

11 801.09 (2) (a) 2. If the defendant is the state or an officer, agent, employee, or
12 agency of the state, as to that defendant, within 45 days, exclusive of the day of
13 service, after the summons has been served personally upon the defendant or served

1 by substitution personally upon another authorized to accept service of the summons
2 for the defendant.

3 3. Within 45 days, exclusive of the day of service, after the summons has been
4 served personally upon the defendant or served by substitution personally upon
5 another authorized to accept service of the summons for the defendant, if any of the
6 following applies:

7 a. A defendant in the action is an insurance company.

8 b. Any cause of action raised in the complaint is founded in tort.”.

9 **2.** Page 5, line 23: delete lines 23 to 25 and substitute:

10 “**SECTION 9m.** 801.09 (2) (c) of the statutes is repealed.”.

11 **3.** Page 9, line 21: delete “45 20” and substitute “45”.

12 **4.** Page 9, line 22: substitute “45 20” for “45”.

13 **5.** Page 9, line 23: delete “party to” and substitute “defendant in”.

14 **6.** Page 10, line 16: delete “party to” and substitute “defendant in”.

15 **7.** Page 10, line 17: delete “or if” and substitute “if”.

16 **8.** Page 10, line 18: after “tort,” insert “or if the moving party is the state or an
17 officer, agent, employee, or agency of the state,”.

18 **9.** Page 11, line 5: delete “party to” and substitute “defendant in”.

19 **10.** Page 11, line 5: delete “company, or” and substitute “company,”.

20 **11.** Page 11, line 7: after “tort,” insert “or if the party pleading in response is
21 the state or an officer, agent, employee, or agency of the state,”.

22 (END)