990.001 Construction of laws; rules for. In construing Wisconsin laws the following rules shall be observed unless construction in accordance with a rule would produce a result inconsistent with the manifest intent of the legislature:

(1) SINGULAR AND PLURAL. The singular includes the plural, and the plural includes the singular.

(2) GENDER. Words importing one gender extend and may be applied to any gender. Any person who by statute, rule or ordinance is designated a chairman, alderman or other similar title may use another equivalent title such as, in the case of a chairman, “chair”, “chairperson”, “chairwoman” or other such appropriate title.

(3) TENSES. The present tense of a verb includes the future when applicable. The future perfect tense includes past and future tenses.

(4) TIME, HOW COMPUTED. (a) The time within which an act is to be done or proceeding had or taken shall be computed by excluding the first day and including the last; and when any such time is expressed in hours the whole of Sunday and of any legal holiday, from midnight to midnight, shall be excluded.

(b) When a decimal–numbered statute of this state contains a reference to another decimal–numbered statute of this state, the reference is to the current text of the statute referenced, and includes any change that has been inserted into and any interpretation or construction that has been adopted with respect to the referenced statute since the reference was first incorporated into the statute, whether or not the referenced statute is a general, specific, substantive or procedural statute. When a decimal–numbered statute refers to another decimal–numbered statute in a specific prior edition of the Wisconsin statutes, the reference does not include subsequent changes to the statute referenced.

(5) STATUTORY REFERENCES. (a) If a statute refers, by number, to a group of chapters, sections, subsections or paragraphs of the statutes, the reference includes both the first and the last numbers mentioned.

(b) When a decimal–numbered statute of this state contains a reference to another decimal–numbered statute of this state, the reference is to the current text of the statute referenced, and includes any change that has been inserted into and any interpretation or construction that has been adopted with respect to the referenced statute since the reference was first incorporated into the statute, whether or not the referenced statute is a general, specific, substantive or procedural statute. When a decimal–numbered statute refers to another decimal–numbered statute in a specific prior edition of the Wisconsin statutes, the reference does not include subsequent changes to the statute referenced.

(6) STATUTE TITLES AND HISTORY NOTES. The titles to subchapters, sections, subsections, paragraphs and subdivisions of the statutes and history notes are not part of the statutes.

(7) CONSTRUCTION OF REVISED STATUTES. A revised statute is to be understood in the same sense as the original unless the change in language indicates a different meaning so clearly as to preclude judicial construction. If the revision bill contains a note which says that the meaning of the statute to which the note relates is not changed by the revision, the note is indicative of the legislative intent.

(8) JOINT AUTHORITY, HOW EXERCISED. All words purporting to give a joint authority to 3 or more public officers or other persons shall be construed as giving such authority to a majority of such officers or other persons.

(8m) QUORUM. A quorum of a public body is a majority of the number of members fixed by law.

(9) ACTS BY AGENTS. If a statute requires an act to be done which may legally be done by an agent, such requirement includes all such acts when done by an authorized agent.

(10) LIABILITY OF SURETIES. If an officer is liable on his or her official bond for any act, the sureties on the officer’s bond are also liable.

(11) SEVERABILITY. The provisions of the statutes are severable. The provisions of any session law are severable. If any provision of the statutes or of a session law is invalid, or if the application of either to any person or circumstance is invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.

(12) TIME. When time is referred to, the standard of time as provided by s. 175.09 or 175.095, whichever is applicable, is meant.

(13) REGISTERED AND CERTIFIED MAIL. Except in s. 345.09, whenever the statutes authorize or require the use of registered mail, and do not require a return receipt of the addressee only, certified mail may be used if a sender’s receipt is obtained from the postal authorities and return receipt is requested. If a return receipt signed by addressee only is required, registered mail must be used.

(14) STATUTORY REFERENCE TO NUMERICAL SERIES. If a statute refers to a numerical series such as 1 to 10, the reference includes both the first and last number mentioned.

(15) STATUTORY REFERENCE TO A CLASS OF CITY. If a statute refers to a class of city specified under s. 62.05 (1), such reference
An individual who undergoes a live birth is born alive.

Does not include any city with a population which makes the city eligible to be in that class unless the city has taken the actions necessary to pass into the class under s. 62.05 (2).

The degree of kinship is computed according to the rules of the civil law, as follows: [See Figure 990.001 (16) following]
An unconstitutional clause was severable under sub. (11). Wis. Wine & Spirit Institu-
tion v. Levy, 141 Wis. 2d 958, 416 N.W.2d 914 (Ct. App. 1987).

Generally, legislation is presumptively prospective unless statutory language
reverses the statute apply retroactively. Procedural or remedial statutory
laws are generally given retroactive effect until
than substantive, statutes are generally given retroactive effect unless contracts
would be impaired or vested rights disturbed. Statutes of limitations are substantive.


Sub. (4) (a) and (d) applies to statutes of limitations; the day upon which a
cause of action accrues is not included in computing the period of limitation. Pafal v. Wil-
liamson, 176 Wis. 2d 290, 560 N.W.2d 757 (1997).

It is presumed that the legislature knows the case law in existence at the time
it changes a statute. When a legislative act has been construed by an appellate court,
the legislature is presumed to know that in the absence of a
terspective to the meaning of the context. State v. Van Buren, 2008 WI App 26, 307
Wis. 2d 447, 746 N.W.2d 545, 06–0225.

While some terms are to be interpreted to avoid superfluosness if possible,
their meaning is not absolute. If the legislature has not defined a term, the court
is to create court to create functions for such parts. The legislature sometimes uses more
words than necessary without intending to add meaning. Wisconsin Realtors Ass’n v. Town
of Paris, 2009 WI App 54, 329 Wis. 2d 601, 770 N.W.2d 271.

Sub. (6) provides that a title to a statute is not part of the statute. A title may not
be used to alter the meaning of a statute or create an ambiguity where no ambiguity
The legislature has a history of using “and” when the context shows it means “or.”
“And” in statutes is not always interpreted as a conjunctive term. It is a familiar rule
of construction that the words “or” and “and” are often used incorrectly, and that
when a strict reading would render one of the words unnecessary, or
the other, in deference to the meaning of the context. State v. Freer, 2010 WI App 9, 323
Wis. 2d 799, 779 N.W.2d 12, 08–2233.

Legislative Reference Bureau’s analysis of a bill is printed with and
displayed on the bill when it is introduced in the legislature; as such, it is indicative of
legislative intent. State v. Freer, 2010 WI App 9, 323 Wis. 2d 799, 779 N.W.2d 12, 08–2233.

Sometimes a strict interpretation of a statute will manifest purposes of a statutory cause of action, the conflict between the statute’s manifest purpose and the common law defense “leaves no doubt of the legislature’s
intention that the court should not be used to apply the statute. The legislature intended
that the common law defense would not be applied by the court under the statute.
MBS–Certified Public Accountants, LLC v. Wisconsin Bell Inc., 2012
WI App 223, 340 Wis. 2d 647, 809 N.W.2d 277, 12–2835.

There is no absolute rule against construing two different terms within a statute
have the same meaning. Cramer v. Eau Claire County, 2013 WI App 47, 348
Wis. 2d 356, 833 N.W.2d 172, 02–12374.

The Saturday extension rule in sub. (4) (c) applies to the listed acts, including serv-
ing a cause on a government entity, regardless whether the act is accomplished
in person, or by some other means. The Saturday extension rule
defines the extension rule on whether service can be accomplished on a Saturday. Madison
Metropolitan School District v. Evers, 2014 WI App 109, 357 Wis. 2d 550, 855
N.W.2d 454, 13–2593.

Under Kadar, statutory interpretation begins with the language of the statute.
If the meaning of the statute is plain, the court ordinarily stops the inquiry. However, if
the court has considered the interpretation of a statute or predecessor statute, that
controlling authority must be followed or distinguished. Hart v. Artisan & Truckers
Casualty Co., 2017 Wis App 55, 377 Wis. 2d 177, 900 N.W.2d 610, 16–1196.

When a specific exception is made, it implies that no other exceptions are intended. State v. Horsey, 2018 WI 10, 379
Wis. 2d 653, 855 N.W.2d 123, 17–0539.

The use of the definite article the “in” the second use of a cause of action makes clear
it is referencing the antecedent phase already mentioned. Official Commis-
mittee of Unsecured Creditors of Great Lakes Quick Lube LP v. Theisen, 2018
Wis. 70, 384 Wis. 2d 580, 920 N.W.2d 356, 18–0333.

Sub. (4) (d) applies to the computation of a sanction imposed under s.
938.355 (6) (d) 1. State v. A.A., 2018 WI App 58, 384 Wis. 2d 1, 918
N.W.2d 434, 17–0232.

The use of the definite article “the” in the second use of a cause of action makes clear
the statute is referencing the antecedent phrase already mentioned. Lipscomb v. Abele, 2018
Wis. App 58, 384 Wis. 2d 1, 918 N.W.2d 434, 17–0232.

The word “each” is synonymous with “every.” Southwest Airlines Co. v. DOR,
2021 WI 54, 379 Wis. 2d 431, 960 N.W.2d 384, 19–01818.

Sub. (9) embodies the common fundamental law principle that an agent’s actions
are the principal’s actions for purposes of fulfilling a principal’s statutory duty. Sub. (9)
imposes no personal liability on an agent for authorized acts taken on behalf of
its principal. Townsend v. ChariSwap, LLC, 2021 WI 86, 399 Wis. 2d 599, 967
N.W.2d 283, 21–0203.

In analyzing leglesscient, it is if determined that offenses are identical in law
and fact, the presumption is that the legislation did not intend to punish the same
offense under two different statutes. Computing the time in tort statutes of limitation. Ghiardi.

Wisconsin REALTORS, LLC v. Wisconsin Bell Inc., 2012
156, 07–2835.


Legislative History: The Philosophies of Justices Scalia and Breyer and the Use
of Legislative History by the Wisconsin State Courts. Dordzich. 80 MLR 161 (1997).

Introducing Wisconsin Statutes: The Development of Wisconsin’s statutory

990.01 CONSTRUCTION OF STATUTES

990.01 Construction of laws; words and phrases. In the construction of Wisconsin laws the words and phrases which follow shall be construed as indicated unless such construction would produce a result inconsistent with the manifest intent of the legislature:

(1) GENERAL RULE. All words and phrases shall be construed according to common and approved usage; but technical words and phrases and others that have a peculiar meaning in the law shall be construed according to such meaning.

(2) ACQUIRE. “Acquire,” when used in connection with a grant of power to any person, includes the acquisition by purchase, grant, gift or bequest. It includes the power to condemn only by the methods specified in s. 32.02 and subject to the limitations under s. 32.015.

(3) ADULT. “Adult” means a person who has attained the age of 18 years, except that for purposes of investigating or prosecuting a person who is alleged to have violated any state or federal criminal law or any civil law or municipal ordinance, “adult” means a person who has attained the age of 17 years.

(4) BEQUEST AND BEQUEATH. “Bequest” includes a devise; “bequeath” includes devise.

(5) CHIROPRACTOR. “Chiropractor” means a person holding a license issued by the chiropractic examining board.

(5g) COMMUNICABLE DISEASE. “Communicable disease” means any disease that the department of health services determines, by rule, to be communicable in fact.

(5r) CONTROLLED ACCESS HIGHWAY. “Controlled access highway” means a highway on which abutting property owners have no right or only a limited right of direct access and on which the type and location of all access connections are determined and controlled by the highway authorities.

(6) COUNTY BOARD. “County board” means the county board of supervisors.

(7a) EXPRESS HIGHWAY OR EXPRESSWAY. An express highway or expressway is a divided arterial highway for through traffic with “full” or “partial” control of access and generally with grade separations at intersections. “Full” control of access means that the authority to control access is exercised to give preference to through traffic by providing access connections with selected public roads only and by prohibiting crossings at grade or direct private driveway connections. “Partial” control of access means that the authority to control access is exercised to give preference to through traffic to a degree that, in addition to access connections with selected public roads, there may be some crossings at grade and some private driveway connections.

(7m) FIRE DEPARTMENT. “Fire department” includes a department under s. 60.553, 61.66, or 62.13 (2e).

(7r) FIRE FIGHTER. “Fire fighter” includes a person serving under s. 60.553, 61.66, or 62.13 (2e).

(8) FOLIO. “Folio” means 100 words or figures. Any fraction of a folio shall be paid for as a full folio.

(9) FOLLOWING. “Following,” when used by way of reference to any statute section, means the section next following that in which the reference is made.

(9a) FREEWAY. “Freeway” means a highway with full control of access and with all crossroads separated in grade from the pavements for through traffic.

(10) GRANTOR AND GRANTEE. “Grantor” includes every person from or by whom any freehold estate or interest passes in or by any deed; and “grantee” includes every person to whom any such estate or interest passes in like manner.

(11) HERETOFORE AND HEREAFTER. “Heretofore” means any time previous to the day on which the statute containing it takes effect; “hereafter” means the time after the statute containing such word takes effect.

(12) HIGHWAY. “Highway” includes all public ways and thoroughfares and all bridges upon the same.

(13) HOMESTEAD. (a) The word “homestead” means the dwelling and so much of the land surrounding it as is reasonably necessary for use of the dwelling as a home, but not less than one-fourth acre, if available, and not exceeding 40 acres.

(b) Any amendment of a homestead statute shall not affect liens of creditors attaching nor rights of devisees or heirs of persons dying prior to the effective date of the amendment.

(14) HOMESTEAD EXEMPTION. “Exempt homestead” means the dwelling, including a building, condominium, mobile home, manufactured home, house trailer or cooperative or an unincorporated cooperative association, and so much of the land surrounding it as is reasonably necessary for its use as a home, but not less than 0.25 acre, if available, and not exceeding 40 acres, within the limitation as to value under s. 815.20, except as to liens attaching or rights of devisees or heirs of persons dying before the effective date of any increase of that limitation as to value.

(15) INHABITANT. “Inhabitant” means a resident.

(16) ISSUE. “Issue,” as applied to descent of estate, includes all the lawful descendants of the ancestor.

(17m) JUDGE. “Judge” does not include a municipal judge, except as provided in ch. 755.

(18) LAND. “Land” includes lands, tenements and hereditaments and all rights thereto and interests therein.

(19) LEGACY, LEGATEE. “Legacy” includes a devise; “legatee” includes a devisee.

(19g) LICENSED PRACTICAL NURSE. “Licensed practical nurse” includes a licensed practical/vocational nurse who holds a multi-state license, as defined in s. 441.51 (2) (h), issued in a party state, as defined in s. 441.51 (2) (k).

(19f) LIVE BIRTH. (a) In this subsection, “breathes” means draws air into and expels it out of the lungs one or more times.

(b) “Live birth” means the complete expulsion or extraction from his or her mother, of a human being, at any stage of development, who, after the expulsion or extraction, breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, a cesarean section, or an abortion, as defined in s. 253.10 (2) (a).

(19m) MARITAL CHILD. “Marital child” means either of the following:

(a) A child who is conceived or born while his or her parents are lawfully married.

(b) A nonmarital child who is adopted or whose parents subsequently marry under s. 767.803.

(20) MINOR. “Minor” means a person who has not attained the age of 18 years, except that for purposes of investigating or prosecuting a person who is alleged to have violated a state or federal criminal law or any civil law or municipal ordinance, “minor” does not include a person who has attained the age of 17 years.

(21) MONTH. “Month” means a calendar month unless otherwise expressed.

(21m) MOTORCYCLE. “Motorcycle” has the meaning given in s. 340.01 (32).

(22) MUNICIPALITY. “Municipality” includes cities and villages; it may be construed to include towns.

(22m) NATUROPATHIC DOCTOR. “Naturopathic doctor” means a naturopathic doctor licensed under s. 466.04 (1). Except where expressly provided, “naturopathic doctor” does not include a limited-scope naturopathic doctor licensed under s. 466.04 (2).

(23) NIGHTTIME. “Nighttime,” used in any statute, ordinance, indictment or information, means the time between one hour after sunset on one day and one hour before sunrise on the following day; and the time of sunset and sunrise shall be ascertained according to the mean solar time of the ninetieth meridian west from
Greenwich, commonly known as central time, as given in any almanac.

(23m) **Nonmarital child.** “Nonmarital child” means a child who is neither conceived nor born while his or her parents are lawfully intermarried, who is not adopted and whose parents do not subsequently intermarry under s. 767.803.

(23q) **Nurse.** “Nurse,” “nurse licensed under ch. 441,” and any reference to an individual who is licensed under ch. 441 include a registered nurse or licensed practical/vocational nurse who holds a multistate license, as defined in s. 441.51 (2) (h), issued in a party state, as defined in s. 441.51 (2) (k).

(24) **Oath.** “Oath” includes affirmation in all cases where by law an affirmation may be substituted for an oath. If any oath or affirmation is required to be taken such oath or affirmation shall be taken before and administered by some officer authorized by the laws of this state to administer oaths, at the place where the same is required to be taken or administered, unless otherwise expressly directed, and, when necessary, duly certified by such officer. If an oath is administered it shall end with the words “so help me God”. In actions and proceedings in the courts, a person licensed as a physician assistant under subch. 915 may be sworn or affirmed by an officer of a court.

(25) **Officers.** “Officers” when applied to corporations include directors and trustees.

(25g) **Optical disc.** “Optical disc” means a rotating circular plate on which information or images are placed in storage, and which is recorded and read by laser beams focused on the plate.

(25r) **Optical imaging.** “Optical imaging” means transferring to a form employing an optical disc.

(26) **Person.** “Person” includes all partnerships, associations and bodies politic or corporate.

(27) **Personal property.** “Personal property” includes money, goods, chattels, things in action, evidences of debt and energy.

(27m) **Personal representative.** “Personal representative” means a person, however denominated, who is authorized to administer a decedent’s estate.

(27s) **Physician assistant.** “Physician assistant” means a person licensed as a physician assistant under subch. IX of ch. 448.

NOTE: The cross-reference to subch. IX of ch. 448 was changed from subch. VIII of ch. 448 by the legislative reference bureau under s. 13.92 (1) (bm) 2. to reflect the remaining under s. 13.92 (1) (bm) 2, of subch. VIII of ch. 448.

(28) **Physician, surgeon or osteopath.** “Physician,” “surgeon” or “osteopath” means a person holding a license or certificate of registration from the medical examining board.

(28g) **Police chief.** “Police chief” or “chief of a police department” includes the chief of a department under s. 60.553, 61.66, or 62.13 (2e).

(28m) **Police department.** “Police department” includes a department under s. 60.553, 61.66, or 62.13 (2e).

(28r) **Police officer.** “Police officer” includes a person serving under s. 60.553, 61.66, or 62.13 (2e).

(29) **Population.** “Population” means that shown by the most recent regular or special federal census.

(30) **Preceding.** “Preceding,” when used by way of reference to any statute section, means the section next preceding that in which the reference is made.

(30m) **Promulgate.** ”Promulgate,” when used in connection with a rule, as defined under s. 227.01 (13), means to repeal; renumber; consolidate, renumber and amend; renumber and amend; repeal and recreate; or create.

(31) **Property.** “Property” includes real and personal property.

(31m) **Psychologist.** “Psychologist” means a psychologist who is licensed under s. 455.04 (1) or (2), is exercising the temporary authorization to practice, as defined in s. 455.50 (2) (6), in this state, or is practicing under the authority to practice interjurisdictional telepsychology, as defined in s. 455.50 (2) (b).

(32) **Publication.** “Publication” in a newspaper of any notice or other matter indicated to be for a stated number of weeks means one insertion each week, unless specifically stated to be for more than one day in each week.

(33) **Qualified.** “Qualified”, when applied to any person elected or appointed to office, means that such person has done those things which the person was by law required to do before entering upon the duties of the person’s office.

(34) **Railroad corporation.** “Railroad corporation” and “railroad company” include any person managing, maintaining, operating or in possession of a railroad, whether as owner, contractor, lessee, mortgagee, trustee, assignee or receiver.

(35) **Real estate or real property.** “Real estate” or “real property” includes lands, tenements and hereditaments and all rights thereto and interests therein.

(36) **Recorded.** If any instrument is required to be recorded by any officer or in any office it must be recorded in a suitable book kept for that purpose unless otherwise expressly directed.

(36m) **Registered nurse.** “Registered nurse” includes a registered nurse who holds a multistate license, as defined in s. 441.51 (2) (h), issued in a party state, as defined in s. 441.51 (2) (k).

(37) **Seal.** Except for the sealing of instruments by persons required to have and use official seals, “seal” includes the word “seal”, the letters “L S” and a scroll or other device intended to represent a seal, if any is affixed in the proper place for a seal, as well as an impression of a seal on the instrument. An instrument executed in the corporate name, by the proper officers of a corporation, under any seal is sealed even though the corporate seal is not used. If the seal of any court or public officer is required to be affixed to any paper issuing from such court or officer “seal” includes an impression of such official seal made upon the paper alone.

(38) **Signature.** If the signature of any person is required by law it shall always be the handwriting of such person or, if the person is unable to write, the person’s mark or the person’s name written by some other person at the person’s request and in the person’s presence, or, subject to any applicable requirements under ch. 137, the electronic signature of the person.

(40) **State.** “State,” when applied to states of the United States, includes the District of Columbia, the commonwealth of Puerto Rico and the several territories organized by Congress.

(41) **Sworn.** “Sworn” includes “affirmed” in all cases where by law an affirmation may be substituted for an oath.

(42) **Town.** “Town” may be construed to include cities, villages, wards or districts.

(43) **Town board.** “Town board” means the town board of supervisors.

(44) **United States.** “United States” includes the District of Columbia, the states, the commonwealth of Puerto Rico and the territories organized by Congress.

(45) **Village.** “Village” means incorporated village.

(46) **Week.** “Week” means 7 consecutive days.

(47) **Will.** “Will” includes codicils as well as wills.

(48) **Written or in writing.** “Written” or “in writing” includes any representation of words, letters, symbols or figures. This subsection does not affect any law relating to signatures.

(49) **Year.** “Year” means a calendar year, unless otherwise expressed; “year” alone means “year of our Lord”.


2021–22 Wisconsin Statutes updated through 2023 Wis. Act 18 and through all supreme Court and Controlled Substances Board Orders filed before and in effect on August 10, 2023. Published and certified under s. 35.18. Changes effective after August 10, 2023, are designated by NOTES. (Published 8–10–23)
Sub. (38) did not prevent the delegation of authority to sign an annexation petition on the behalf of a property owner. Town of Medary v. City of La Crosse, 88 Wis. 2d 101, 277 N.W.2d 310 (Ct. App. 1979).

A city is a municipal corporation. Under sub. (26), “person” includes all partners, associations and bodies politic and corporate. The general term “corporation” presumptively should be read to include more specific types of corporations. Benson v. City of Madison, 2017 WI 65, 376 Wis. 2d 35, 897 N.W.2d 16, 15–2366.

Chapter 90’s plain language, when read in light of sub. (42), unambiguously authorizes a city to administer the enforcement procedures of ch. 90. White v. City of Watertown, 2013 WI 15, 35 Wis. 2d 320, 922 N.W.2d 61, 16–2259.

Oaths, affirmations, notaries public, and jurats are discussed. 60 Atty. Gen. 429.

990.02 Construing statutes of 1898. (1) All references to chapters or sections in the statutes of 1898 are to the chapters and sections of those statutes.

(2) If the provisions of different chapters of the statutes of 1898 conflict with or contravene each other the provisions of each chapter shall prevail as to all matters and questions growing out of the subject matter of such chapter.

(3) If conflicting provisions are found in different sections of the same chapter of the statutes of 1898 the provisions of the section which is last in numerical order shall prevail unless such construction is inconsistent with the meaning of such chapter.

History: 1979 c. 89.

990.03 Effect of repeals. (1) No law repealed by a subsequent act of the legislature is revived or affected by the repeal of such repealing act.

(2) The repeal of a curative or validating law does not impair or affect any cure or validation previously effected thereby.

(3) No section, subsection or paragraph of Wisconsin Statutes is repealed or affected by the repeal of any session law from which it was in whole or in part derived.

(4) The repeal, express or implied, of any law already repealed, expressly or by implication, does not constitute or supply a declaration or implication that such law was in force or was valid for any purpose at any time subsequent to such prior repeal.

990.04 Actions pending not defeated by repeal of statute. The repeal of a statute hereafter shall not remit, defeat or impair any civil or criminal liability for offenses committed, penalties or forfeitures incurred or rights of action accrued under such statute before the repeal thereof, whether or not in course of prosecution or action at the time of such repeal; but all such offenses, penalties, forfeitures and rights of action created by or founded upon such repealed statute, whether instituted before or after the repeal thereof, shall not be defeated or impaired by such repeal but shall, notwithstanding such repeal, proceed to judgment in the same manner and to the like purpose and effect as if the repealed statute continued in full force to the time of final judgment thereon, unless the offenses, penalties, forfeitures or rights of action on which such prosecutions or actions shall be founded shall be specially and expressly remitted, abrogated or done away with by such repealing statute.

This section also applies to statutes that are amended after the commission of an alleged criminal act although before trial. Triesdale v. State, 60 Wis. 2d 481, 210 N.W.2d 726 (1973).

Absent legislative intent to the contrary, repeal of a statute governing appeals of tax assessments did not affect a taxpayer whose right to appeal under the statute accrued prior to its repeal. Jackson County Iron Co. v. Musolf, 134 Wis. 2d 95, 396 N.W.2d 523 (1986).

This section provides that although the state need not have commenced a prosecution at the time of the repeal, it is necessary that by the time of the repeal, the offender has committed the offense and thereby become subject to the penalty for the offense. A defendant has not committed an offense unless all the elements of that crime have been met. Thus, he or she incurs no penalties until that time. State v. Thums, 2006 WI 73, 295 Wis. 2d 604, 721 N.W.2d 729, 05–2682.

Citing Waddell v. Mamot, 271 Wis. 176 (1955), the court held that this section applies to a fully accrued right, not to a merely inchoate right that could open into a right preserved by the statute only upon the happening of a further event. Trinity Petroleum, Inc. v. Scott Oil Company, Inc., 2006 WI App 219, 296 Wis. 2d 666, 724 N.W.2d 259, 05–2837.

Reversed on other grounds. (See footnote 35.) 2007 WI 88, 302 Wis. 2d 299, 735 N.W.2d 1, 05–2837.

A law is retroactive if it takes away or impairs vested rights acquired under existing laws or creates a new obligation, imposes a new duty, or attaches a new disability in respect to transactions or communications already past. A statute does not operate retroactively simply because it is applied in a case arising from conduct antedating the statute’s enactment or upsets expectations based on prior law. The mere expectation of a future benefit or contingent interest does not create a vested right. In this case, because the appellant did not have a vested right to the interest rate that applied in s. 807.01 (4) before that statute was amended, this section was not implicated. Lands End, Inc. v. City of Dodgeville, 2016 WI 64, 370 Wis. 2d 500, 881 N.W.2d 702, 15–0179.

990.06 Repeal or change of law limiting time for bringing actions. In any case where a limitation or period of time prescribed in any act which shall be repealed for the acquiring of any right, or barring of any remedy, or for any other purpose shall have begun to run before such repeal and the repealing act shall provide any limitation or period of time for such purpose, such latter limitation or period shall apply only to such rights or remedies as shall accrue subsequently to the time when the repealing act shall take effect, and the act repealed shall be held to continue in force and be operative to determine all such limitations and periods of time which shall have previously begun to run unless such repealing act shall otherwise expressly provide.

Generally, legislation is presumptively prospective unless statutory language reveals an intent that the statute apply retroactively. Procedural or remedial, rather than substantive, statutes are generally given retroactive effect unless contracts would be impaired or vested rights disturbed. Statutes of limitations are substantive. Bethhauser v. Medical Protective Co., 172 Wis. 2d 141, 493 N.W.2d 40 (1992).

When a statute of limitations is replaced or amended, a cause of action that has accrued prior to the effective date of the new statute or amendment is governed by the prior statute, unless the legislature specifies otherwise. A cause of action that has not accrued prior to the effective date of the new statute or amendment is governed by the new language, unless otherwise specified. State v. Hamilton, 2002 WI App 89, 253 Wis. 2d 805, 644 N.W.2d 243, 01–1014.


990.07 Evidence. The Wisconsin statutes as prepared under s. 35.18 shall be prima facie evidence in all courts and proceedings as provided by s. 889.01; but they shall not preclude reference to, nor control, in case of any discrepancy, any original act of the legislature; and the certified volumes of the Laws of Wisconsin provided for by s. 35.15 shall also and in the same degree be prima facie evidence in all courts and proceedings.

History: 1981 c. 372 s. 8; Stats. 1981 s. 990.08; 1983 a. 192 s. 287; Stats. 1983 s. 990.07; 1991 a. 39.

990.08 Citation of supreme court rules. When a supreme court rule is cited within the statutes, the reference shall be to the SCR number, such as “words and phrases specified in SCR 99.02”.

History: 1983 a. 192.