



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2015 Assembly Bill 223**

**Assembly Amendment 1**

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### **2015 ASSEMBLY BILL 223**

#### **Contract**

Under current law, the statute of limitations in an action on any contract is six years after the cause of action accrues.

Assembly Bill 223 provides that the statute of limitations in an action on a motor vehicle insurance policy is three years after the cause of action accrues.

#### **Property Damage**

Under current law, the statute of limitations in an action to recover for property damage is six years after the cause of action accrues.

Assembly Bill 223 decreases the statute of limitations in an action to recover for property damage to three years after the cause of action accrues.

#### **Injury or Death**

Under current law, the statute of limitations in an action to recover damages for an injury to a person, or for death caused by the wrongful act, neglect, or default of another, is three years.

Assembly Bill 223 decreases the statute of limitations in an action to recover damages for death to two years after the cause of action accrues if the death arises from a motor vehicle accident. The bill retains the three-year statute of limitations in an action to recover damages for death not arising from a motor vehicle accident or to recover damages for an injury to a person.

## **ASSEMBLY AMENDMENT 1**

Assembly Amendment 1 provides that, for an action on a motor vehicle insurance policy, a cause of action involving underinsured or uninsured motorist coverage accrues on the date there is final resolution of the underlying cause of action by the injured party against the tortfeasor.

In addition, the amendment applies the three-year statute of limitations for property damage in the bill to damage arising from a motor vehicle accident. The amendment retains the six-year statute of limitations in current law for property damage not arising from a motor vehicle accident. Where the bill creates a specific statute of limitations for injury or death arising from a motor vehicle accident, the amendment deletes references to the involved motor vehicle being covered by an insurance policy.

Lastly, the amendment provides that the bill, if enacted, first applies to accidents that occur on the bill's effective date.

## **BILL HISTORY**

On September 11, 2015, Representative Spiros offered Assembly Amendment 1 to Assembly Bill 223. On October 1, 2015, the Assembly Committee on Judiciary recommended adoption of the amendment on a vote of Ayes, 7; Noes, 0; and passage of the bill, as amended, on a vote of Ayes, 4; Noes, 3.

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