2019 ASSEMBLY BILL 58

March 7, 2019 – Introduced by Representatives TUSLER, C. TAYLOR, BROOKS, HORLACHER, KULP, RAMTHUN, ROHRKASTE, SPIROS, SPREITZER and VRUWINK, cosponsored by Senators RISSER, STROEBEL, JACQUE, MARKLEIN, NASS and OLSEN. Referred to Committee on Judiciary.

AUTHORS SUBJECT TO CHANGE

1   AN ACT *to amend* 893.82 (5) of the statutes; **relating to:** service of notice of claim

2   against state officer, employee, or agent.

Analysis by the Legislative Reference Bureau

This bill changes the requirements for service of a notice of claim against a state officer, employee, or agent. Under current law, with certain exceptions, in order to bring an action against a state officer, employee, or agent, a person must serve on the attorney general a written notice of claim within 120 days at his or her office in the capitol by certified mail. In *Sorenson v. Batchelder*, 2016 WI 34, 368 Wis. 2d 140, 885 N.W.2d 362, the Wisconsin Supreme Court held that the notice of claim statute requires strict and literal compliance and that personal service of a notice of claim does not comply with the statute. This bill changes the requirements for service of a notice of claim against a state officer, employee, or agent to allow personal service or service by certified mail upon the attorney general at the attorney general's office either in the capitol or at the Department of Justice.

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

3   SECTION 1. 893.82 (5) of the statutes is amended to read:

4   893.82 **(5)** The notice under sub. (3) shall be sworn to by the claimant and shall

5   be served upon the attorney general at his or her office in the capitol <u>or at the</u>

1   department of justice by personal service or by certified mail. Notice If served by

2   certified mail, notice shall be considered to be given upon mailing for the purpose of

3   computing the time of giving notice.

4   **(END)**