

At Issue: Statute of limitations

3 HOURS AGO • [SANDY CULLEN | WISCONSIN STATE JOURNAL | SCULLEN@MADISON.COM | 608-252-6137](#)

In a nutshell

Under current law, the time limit for filing a civil lawsuit is generally six years from the precipitating event.

This bill (AB 367) reduces the time limit for filing a lawsuit to three years in cases involving property damage or in cases involving a motor vehicle insurance policy.

It also shortens the time limit to file a lawsuit for a death resulting from a motor vehicle collision from three years to two years.

The case for it

Rep. John Spiros, R-Marshfield, who introduced the measure, said shortening the period for those who might be sued helps them know whether someone plans to bring an action against them and allows them to retain necessary records.

Spiros, who is vice president of safety and claims management for Roehl Transport, said it also would bring cases to court faster.

“Wisconsin is one of eight states that has a statute of limitations on property damage of six years or lengthier,” he said, adding that a majority of states have a statute of limitations of two years or less in wrongful death cases.

Spiros said the bill provides ample time to conduct an investigation prior to filing a lawsuit.

“I think it has a benefit for all involved,” he said, adding, “I don’t see it as being a deterrent at all.”

The case against it

Ruth Simpson, research director for the Wisconsin Association for Justice, said it is “confusing both for people who practice law and for consumers to have different statute of limitation lengths.”

“It sort of sets up a trap for the wary,” she said. “You’ve really got to be on your toes.”

In some cases, a person might have to resolve a claim against one insurance company before filing a claim with another insurance company, Simpson said, adding that the first claim might not be resolved within the shorter time limit. “Sometimes it can take time to get the underlying claim settled,” she said.

Simpson said the measure would result in more litigation because the shorter time limit would force people to file lawsuits to protect their rights rather than continuing to work on settling

claims. “Over the last 10 years, we’ve seen a decrease in claims,” she said,

“People may lose out because they don’t file their claim in time,” Simpson said. “We want that to be avoided if at all possible.”

To get involved

To contact your lawmaker about this or any other bill, call the legislative hotline, which is staffed from 8:15 a.m. to 4:45 p.m. weekdays at 608-266-9960 or 800-362-9472. To send an email, go to the Legislature’s website at

legis.wisconsin.gov, select Assembly or Senate and then “Email directory.”