



2011 BILL

1 AN ACT *to amend* 799.01 (1) (c), 799.01 (1) (d) (intro.), 799.01 (2), 814.62 (3) (a)
2 and 814.62 (3) (d) 2. of the statutes; **relating to:** increasing the jurisdictional
3 amount in and the filing fee for small claims actions.

Analysis by the Legislative Reference Bureau

This bill increases the jurisdictional limit in small claims actions from \$5,000 to \$10,000.

Currently, a plaintiff must pay a \$22 filing fee to begin a small claims action. Of that amount, the county retains \$10.20 and the balance goes to the general fund. This bill raises the filing fee to \$44, increases the amount retained by the county to \$31.20, and increases the amount paid to the general fund to \$12.80.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

4 SECTION 1. 799.01 (1) (c) of the statutes is amended to read:
5 799.01 (1) (c) *Replevins.* Actions for replevin under ss. 810.01 to 810.13 where
6 the value of the property claimed does not exceed ~~\$5,000~~ \$10,000.

BILL

1 **SECTION 2.** 799.01 (1) (d) (intro.) of the statutes is amended to read:

2 799.01 **(1)** (d) *Other civil actions.* (intro.) Other civil actions where the amount
3 claimed is ~~\$5,000~~ \$10,000 or less, if the actions or proceedings are:

4 **SECTION 3.** 799.01 (2) of the statutes is amended to read:

5 799.01 **(2)** PERMISSIVE USE OF SMALL CLAIMS PROCEDURE. A taxing authority may
6 use the procedure in this chapter in an action to recover a tax from a person liable
7 for that tax where the amount claimed, including interest and penalties, is ~~\$5,000~~
8 \$10,000 or less. This chapter is not the exclusive procedure for those actions.

9 **SECTION 4.** 814.62 (3) (a) of the statutes is amended to read:

10 814.62 **(3)** (a) In a small claims action under ch. 799, at the time of issuance of
11 a summons or other process in a proceeding not commenced by a summons, the
12 plaintiff shall pay to the clerk of court a fee of ~~\$22~~ \$44.

13 **SECTION 5.** 814.62 (3) (d) 2. of the statutes is amended to read:

14 814.62 **(3)** (d) 2. Of the fees received by the clerk under par. (a), the county
15 treasurer shall pay ~~\$11.80~~ \$12.80 to the secretary of administration for deposit in the
16 general fund and shall retain the balance for the use of the county. The secretary of
17 administration shall credit the ~~\$11.80~~ \$12.80 to the appropriation under s. 20.680
18 (2) (j).

19 **SECTION 6. Initial applicability.**

20 (1) This act first applies to actions commenced or claims made on the effective
21 date of this subsection.

22 **SECTION 7. Effective date.**

23 (1) This act takes effect on January 1, 2012.

24

(END)