

**1971 Assembly Bill 52**

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**CHAPTER 27, Laws of 1971**

**AN ACT to renumber and amend 269.02 (3); to amend 269.02 (1) and (2); and to create 269.02 (3) of the statutes, relating to estab-**

lishing procedural requirements for plaintiff offers of civil suit settlement.

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

SECTION 1. 269.02 (1) and (2) of the statutes are amended to read:

**269.02 (title) SETTLEMENT OFFERS. (1) (title) JUDGMENT.** After issue is joined but at least 20 days before the trial, the defendant may serve upon the plaintiff a written offer to allow judgment to be taken against him for the sum, or property, or to the effect therein specified, with costs. If the plaintiff accepts the offer and serves notice thereof in writing, before trial and within 10 days after receipt of the offer or within 40 days after service of the notice of trial, whichever is later, he may file the offer, with proof of service of the notice of acceptance, and the clerk must thereupon enter judgment accordingly, provided the summons and complaint have been filed. If notice of acceptance is not given, the offer cannot be given as evidence nor mentioned on the trial. If the offer of judgment is not accepted and the plaintiff fails to recover a more favorable judgment, he shall not recover costs but defendant shall recover costs to be computed on the demand of the complaint.

(2) (title) DAMAGES. After issue is joined but at least 20 days before trial, the defendant may serve upon the plaintiff a written offer that if he fails in his defense the damages be assessed at a specified sum. If the plaintiff accepts the offer and serves notice thereof in writing before trial and within 10 days after receipt of the offer or within 40 days after service of the notice of trial, whichever is later, and prevails upon the trial, either party may file proof of service of the offer and acceptance and the damages will be assessed accordingly. If notice of acceptance is not given, the offer cannot be given as evidence nor mentioned on the trial. If the offer is not accepted and if damages assessed in favor of the plaintiff do not exceed the damages offered, neither party shall recover costs.

SECTION 2. 269.02 (3) of the statutes is renumbered 269.02 (4) and amended to read:

269.02 (4) (title) APPLICATION. Subs. (1) ~~and (2)~~ to (3) shall apply to offers which may be made by any party to any other party who demands a judgment or ~~set-off~~ setoff against the offering party.

SECTION 3. 269.02 (3) of the statutes is created to read:

269.02 (3) SETTLEMENT. After issue is joined but at least 20 days before trial, the plaintiff may serve upon the defendant a written offer of settlement for the sum, or property, or to the effect therein specified, with costs. If the defendant accepts the offer and serves notice thereof in writing, before trial and within 10 days after receipt of the offer or within 40 days after service of the notice of trial, whichever is later, he may file the offer, with proof of service of the notice of acceptance, with the clerk of court. If notice of acceptance is not given, the offer cannot be given as evidence nor mentioned on the trial. If the offer of settlement is not accepted and the plaintiff recovers a more favorable judgment, he shall recover double the amount of the taxable costs.