



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Assembly Bill 524

**Assembly Substitute
Amendments 1 and 2**

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Assembly Bill 524

Assembly Bill 524 increases the general jurisdictional amount in money judgment small claims actions* from \$5,000 to \$10,000 if the claimant has commenced 20 or fewer such actions within the previous 365 days. If the claimant has commenced more than 20 such actions within the previous 365 days, the bill, as does current law, limits the amount claimed in a money judgment small claims action to not more than \$5,000.

The bill also increases the filing fee for small claims actions for money judgment. If the claimant has 20 or fewer actions within the previous 365 days, the filing fee is increased from \$22 to \$33. If the claimant has commenced 21 or more such actions within the previous 365 days, the filing fee is \$44. The amount of the filing fee that goes to the state general fund remains at \$11.80. The remainder is retained by the county.

Finally, the bill provides that if a person commencing a small claims action for a money judgment incorrectly indicates the number of previous small claims actions commenced within the previous 365 days, as required under the bill, a party proving the number incorrect is awarded damages in the amount of \$250 and reasonable attorney fees and the action is dismissed by the court with prejudice.

* Reference to “money judgment” actions is a shorthand reference to the actions covered by the bill: money judgment, attachment and garnishment, and personal property lien enforcement.

Assembly Substitute Amendment 1

Assembly Substitute Amendment 1 makes the following changes to the original bill:

1. Reduces the small claims jurisdictional amount for money judgment claims when the claimant has commenced 20 or fewer actions within the previous 365 days from \$10,000 to \$8,000.
2. Retains the current \$22 filing fee for claimants who have commenced 20 or fewer money judgment actions within the previous 365 days and the amount claimed is less than \$2,000.
3. Provides that if a counterclaim or cross complaint is filed in a small claims money judgment action, which arises out of the transaction or occurrence that is the subject matter of the money judgment action, and the counterclaim or cross complaint is for more than \$5,000 but not more than \$8,000, the person filing the counterclaim or cross complaint may elect to pay the filing fee for large claims actions and have the entire matter tried as an ordinary civil action.

Assembly Substitute Amendment 2

Assembly Substitute Amendment 2 makes four revisions to Assembly Substitute Amendment 1:

1. Eliminates any changes to the filing fees for garnishment actions. Current law would remain in place, which does not require higher filing fees when 20 or more garnishment actions have been filed.
2. Increases the amount of the money judgment filing fee to be deposited in the general fund to \$12.80 (from \$11.80) when 20 or more money judgment actions have been filed.
3. Increases the filing fee by an additional dollar when 20 or more money judgment actions have been filed.
4. Corrects the references to s. 814.86 (1), Stats., to reflect other recent revisions to its language.

Legislative History

Assembly Substitute Amendment 1 was offered by Representative Hebl. The Assembly Committee on Judiciary and Ethics recommended adoption of substitute amendment 1 by a vote of Ayes, 7; Noes, 3; and recommended passage of the bill, as amended, by the same vote.

Assembly Substitute Amendment 2 was offered by the Joint Committee on Finance on March 16, 2010. On the same date, the committee recommended adoption of substitute amendment 2 by a vote of Ayes, 11; Noes, 5; and recommended passage of the bill, as amended, by the same vote.

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