



1995 ASSEMBLY BILL 223

March 17, 1995 - Introduced by Representatives SCHNEIDER, NOTESTEIN, BALDWIN, BELL, BLACK, BOYLE, BRANCEL, GROBSCHMIDT, GRONEMUS, HAHN, HARS DORF, KREUSER, LEHMAN, LORGE, MUSSER, OTTE, PLOMBON, RYBA, WILDER and R. YOUNG, cosponsored by Senators COWLES, BURKE and HUELSMAN. Referred to Joint committee on Information Policy.

1 **AN ACT** *to create* 138.25 of the statutes; **relating to:** credit card records and
2 providing a penalty.

Analysis by the Legislative Reference Bureau

Under this bill, a person (which includes a corporation) may not sell information about Wisconsin residents that is obtained from credit card transaction records. Current law is silent regarding a person's authority to sell information about cardholders. The bill permits a person to disclose information about cardholders to a credit bureau for purposes of a credit report.

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

3 **SECTION 1.** 138.25 of the statutes is created to read:
4 **138.25 Credit card records. (1) DEFINITIONS.** In this section:
5 (a) "Cardholder" has the meaning given in s. 943.41 (1) (b).
6 (b) "Consumer report" has the meaning given in 15 USC 1681a (d).
7 (c) "Consumer reporting agency" has the meaning given in 15 USC 1681a (f).
8 (d) "Financial transaction card" has the meaning given in s. 943.41 (1) (em).
9 **(2) DISCLOSURE PROHIBITED.** Except as provided in sub. (3), a person may not
10 disclose to another person, for money or anything else of value, any information or

1 data about a cardholder who is a resident of this state that is obtained by the person
2 from financial transaction card transaction records.

3 (3) CREDIT REPORTING PERMITTED. A person may disclose information about a
4 cardholder to a consumer reporting agency for purposes of a consumer report.

5 (4) FORFEITURE. A person who violates sub. (2) may be required to forfeit not
6 more than \$10,000 for each violation. Each disclosure of information or data about
7 one cardholder constitutes a separate violation.

8 (5) INJUNCTION. The department of justice may commence an action in circuit
9 court in the name of the state to restrain by temporary or permanent injunction any
10 act or practice constituting a violation of sub. (2).

11 (END)