

State of Wisconsin



1995 Assembly Bill 364

Date of enactment: **March 20, 1996**

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1995 WISCONSIN ACT 160

AN ACT *to amend* 943.21 (title), 943.21 (1) (intro.), 943.21 (3) (a), 943.21 (3) (b), 943.212 (title), 943.212 (1) (a) and 943.212 (4); and *to create* 943.21 (1) (c) and 943.21 (2m) of the statutes; **relating to:** failure to pay for taxicab service.

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

SECTION 1. 943.21 (title) of the statutes is amended to read:

943.21 (title) Fraud on hotel or restaurant keeper or taxicab operator.

SECTION 2. 943.21 (1) (intro.) of the statutes is amended to read:

943.21 (1) (intro.) Whoever does either any of the following may be penalized as provided in sub. (3):

SECTION 3. 943.21 (1) (c) of the statutes is created to read:

943.21 (1) (c) Having obtained any transportation service from a taxicab operator, intentionally absconds without paying for the service.

SECTION 4. 943.21 (2m) of the statutes is created to read:

943.21 (2m) The refusal to pay a taxicab operator the established charge for transportation service provided by the operator constitutes prima facie evidence of an intent to abscond without payment.

SECTION 5. 943.21 (3) (a) of the statutes is amended to read:

943.21 (3) (a) Is guilty of a Class A misdemeanor when the value of any beverage, food, lodging, accom-

modation, transportation or other service is \$1,000 or less.

SECTION 6. 943.21 (3) (b) of the statutes is amended to read:

943.21 (3) (b) Is guilty of a Class E felony when the value of any beverage, food, lodging, accommodation, transportation or other service exceeds \$1,000.

SECTION 7. 943.212 (title) of the statutes is amended to read:

943.212 (title) Fraud on hotel or restaurant keeper or taxicab operator; civil liability.

SECTION 8. 943.212 (1) (a) of the statutes is amended to read:

943.212 (1) (a) The retail value of the beverage, food, lodging, accommodation, transportation or service involved in the violation. A person may recover under this paragraph only if he or she exercises due diligence in demanding payment for the beverage, food, lodging, accommodation, transportation or service.

SECTION 9. 943.212 (4) of the statutes is amended to read:

943.212 (4) At least 20 days prior to commencing an action, as specified in s. 801.02, under this section, the plaintiff shall notify the defendant, by mail, of his or her intent to bring the action and of the acts constituting the basis for the violation of s. 943.21. The plaintiff shall

* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

send the notice by regular mail supported by an affidavit of service of mailing or by a certificate of mailing obtained from the U.S. post office from which the mailing was made. The plaintiff shall mail the notice to the defendant's last-known address or to the address provided on

the check or order. If the defendant pays the amount due for the beverage, food, lodging, accommodation, transportation or service prior to the commencement of the action, he or she is not liable under this section.