

1991 Senate Bill 15

Date of enactment: **April 10, 1992**
Date of publication*: **April 24, 1992**

1991 WISCONSIN ACT 158

AN ACT to amend chapter 423 (title) and 423.101; and to create subchapter IV of chapter 423 of the statutes, relating to: customer identification on checks or charge slips.

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

SECTION 1. Chapter 423 (title) of the statutes is amended to read:

CHAPTER 423

CONSUMER APPROVAL TRANSACTIONS AND ADVERTISING OTHER CONSUMER RIGHTS

SECTION 2. 423.101 of the statutes is amended to read:

423.101 Short title. This chapter shall be known and may be cited as Wisconsin consumer act—consumer approval transactions and advertising other consumer rights.

SECTION 3. Subchapter IV of chapter 423 of the statutes is created to read:

CHAPTER 423

SUBCHAPTER IV

CUSTOMER IDENTIFICATION

423.401 Credit card identification information.

(1) LIMITATION. Except as provided in sub. (2), a merchant may not record a customer's address, telephone number or any other identification information as a condition for accepting a credit card as payment for a consumer credit transaction.

(2) EXCEPTIONS. A merchant may record a customer's address or telephone number if any of the following conditions exists:

(a) The credit card issuer does not require the merchant to obtain from the issuer prior authorization as to the availability of credit in order to complete the credit card transaction.

(b) The merchant requires the information for shipping, delivery, service orders or installation purposes or to notify the customer of a special order.

(3) REMEDIES. Whoever violates this section is subject to the remedies and penalties under s. 425.303.

423.402 Check identification information. (1) LIMITATION. Except as provided in sub. (4), a merchant may not request or record a customer's credit card number as a condition for accepting a check or share draft as payment for a consumer transaction.

(2) CREDIT CARD DISPLAY. If a customer pays for a consumer transaction by check or share draft, a merchant may request a customer to display a credit card as an indication of the customer's financial responsibility or as additional identification, but the merchant may not record any information except the type of credit card displayed and the credit card expiration date.

(3) CHECK ACCEPTANCE. This section does not require a merchant to accept a check or share draft as payment for a consumer transaction, whether or not a credit card is displayed.

(4) EXCEPTION. A merchant may request and record a customer credit card number as a condition for accepting a check or share draft if all of the following conditions are met:

(a) The merchant has contracted with the card issuer of the requested credit card to cash or accept a check or share draft presented by a holder of the requested credit card.

(b) The card issuer of the requested credit card has contracted with the merchant to guarantee a check or

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share draft presented to the merchant by a holder of the requested credit card.

(5) REMEDIES. Whoever violates this section is subject to the remedies and penalties under s. 425.303.

SECTION 4. Initial applicability. This act first

applies to consumer transactions entered into on the effective date of this SECTION.

SECTION 5. Effective date. This act takes effect on the first day of the 3rd month beginning after publication.
