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**WISCONSIN LEGISLATIVE COUNCIL  
AMENDMENT MEMO**

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**2007 Assembly Bill 503**

**Assembly Substitute  
Amendment 2, as Amended by  
Assembly Amendment 1 to the  
Substitute Amendment**

*Memo published:* February 28, 2008

*Contact:* Don Dyke, Chief of Legal Services (266-0292)

*Assembly Substitute Amendment 2*, as amended by Assembly Amendment 1 to the substitute amendment, creates criminal and civil liability for fraud on certain service providers, within the context of the current statutes that relate to fraud on a hotel or restaurant keeper, recreational attraction, taxicab operator, or gas station (ss. 943.21 and 943.212, Stats.).

The substitute amendment prohibits a person, having obtained any service from a service provider, from intentionally failing or refusing to pay for the service with intent to deprive the service provider permanently of the full price of the service. "Service provider" is defined as "a merchant who provides a service to a retail customer without a written contract with the expectation that the service will be paid for by the customer upon completion of the service."

As amended, the substitute amendment provides that the failure or refusal, without the service provider's consent, to pay a service provider the stated price for a service constitutes prima-facie evidence of an intent to deprive the service provider permanently of the full price of the service.

Penalties for a violation of the proposal's are: a class A misdemeanor when the value of the service is \$2,500 or less; a class I felony when the value of the service exceeds \$2,500.

The substitute amendment's provisions relating to fraud on a service provider are also included in the current civil liability provisions relating to fraud on hotel or restaurant keepers, recreational attractions, taxicab operators, and gas stations. See s. 943.212, Stats.

**Legislative History**

Assembly Substitute Amendment 2 was offered by Representatives Zipperer and Staskunas, both of whom also offered Assembly Amendment 1 to the substitute amendment. The Assembly adopted both amendments on a voice vote and passed the proposal, as amended, on a voice vote.

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