

2013 DRAFTING REQUEST

Bill

Received: 1/23/2014 Received By: agary
 Wanted: As time permits Same as LRB:
 For: Eric Genrich (608) 266-0616 By/Representing: Steve Peters
 May Contact: Drafter: agary
 Subject: Fin. Inst. - int. rates/loans Addl. Drafters:
 Extra Copies:

Submit via email: YES
 Requester's email: Rep.Genrich@legis.wisconsin.gov
 Carbon copy (CC) to: aaron.gary@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Agreements relating to liability for unauthorized use of credit cards and debit cards

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 1/23/2014			_____			
/P1	agary 2/4/2014	scalvin 1/29/2014	jfrantze 1/29/2014	_____	mbarman 1/29/2014		
/1		scalvin 2/4/2014	jfrantze 2/4/2014	_____	srose 2/4/2014	srose 2/12/2014	

FE Sent For:

↳ Not
Needed

<END>

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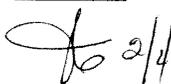
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/P1		scalvin 1/29/2014	jfrantze 1/29/2014	_____	mbarman 1/29/2014		
FE Sent For:		11 sac 02/04/2014	11 sac 02/04/2014				

<END>

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/?	agary	1/PI SAC 01/29/2014	1/PI SAC 01/29/2014				

FE Sent For:

<END>

1/21 H/C w Steve
• still wants this per NY provision
• best to enter as new LRB #

Gary, Aaron

From: Gary, Aaron
Sent: Tuesday, January 21, 2014 4:10 PM
To: Peters, Steve
Subject: RE: Draft review: LRB -3184/P1 Topic: Liability limit for unauthorized use of debit card; same limit as for credit cards under Truth in Lending Act

Hi Steve,

What is your expectation in how this bill might interact with AB-277? If LRB-3184/P1 were enacted and AB-277 were enacted, LRB-3184/P1 would override and nullify AB-277. As I read the provision of New York law below, it seems to contemplate a contractual arrangement. If that NY provision were enacted and AB-277 were enacted, AB-277 would override and nullify the provision contemplated in the NY law below.

I can redraft (or enter a new draft) modeled after the NY provision below, but if AB-277 is enacted, the provision below would be meaningless, I believe.

Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Peters, Steve
Sent: Tuesday, January 21, 2014 8:34 AM
To: Gary, Aaron
Subject: FW: Draft review: LRB -3184/P1 Topic: Liability limit for unauthorized use of debit card; same limit as for credit cards under Truth in Lending Act

Aaron,

Actually we'd rather have it drafted a bit differently could it be done like this NY state code?
http://law.justia.com/codes/new-york/2006/general-business/gbs0512_512.html

Thanks

Steven Peters
Office of Representative Eric Genrich
304W State Capitol
608-266-0617

From: Peters, Steve
Sent: Monday, January 20, 2014 12:51 PM
To: Gary, Aaron
Subject: RE: Draft review: LRB -3184/P1 Topic: Liability limit for unauthorized use of debit card; same limit as for credit cards under Truth in Lending Act

Could we get the /1 for this?

From: LRB.Legal

Sent: Wednesday, October 02, 2013 1:47 PM

To: Rep.Genrich

Subject: Draft review: LRB -3184/P1 Topic: Liability limit for unauthorized use of debit card; same limit as for credit cards under Truth in Lending Act

Following is the PDF version of draft LRB -3184/P1 and drafter's note.

Gary, Aaron

From: Peters, Steve
Sent: Tuesday, January 21, 2014 8:34 AM
To: Gary, Aaron
Subject: FW: Draft review: LRB -3184/P1 Topic: Liability limit for unauthorized use of debit card; same limit as for credit cards under Truth in Lending Act

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From: LRB.Legal
Sent: Wednesday, October 02, 2013 1:47 PM
To: Rep.Genrich
Subject: Draft review: LRB -3184/P1 Topic: Liability limit for unauthorized use of debit card; same limit as for credit cards under Truth in Lending Act

Following is the PDF version of draft LRB -3184/P1 and drafter's note.

Enter Search Terms

Search

Justia > US Law > US Codes and Statutes > New York Code > 2006 New York Code > General Business > Unauthorized Or Improper Use Of Credit Cards And Debit Cards > Limitation Of Liability For Unauthorized Use Of A Credit Card Or A Debit Card.

View the 2013 New York Consolidated Laws | View Previous Versions of the New York Consolidated Laws

2006 New York Code - Limitation Of Liability For Unauthorized Use Of A Credit Card Or A Debit Card.

§ 512. Limitation of liability for unauthorized use of a credit card or a debit card. A provision which imposes liability upon a holder for a cash advance or loan or for the purchase or lease of property or services obtained by the unauthorized use of a credit card or a debit card shall not be enforceable to the extent that it imposes a greater liability upon the holder than is imposed upon the holder of a credit card under the provisions of the act of congress entitled "Truth in Lending Act" and the regulations thereunder, as such act and regulations may from time to time be amended.

Disclaimer: These codes may not be the most recent version. New York may have more current or accurate information. We make no warranties or guarantees about the accuracy, completeness, or adequacy of the information contained on this site or the information linked to on the state site. Please check official sources.

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"RESEARCH APPENDIX"

... Drafting History Reproduction Request Form ...

 DRAFTING ATTORNEYS: PLEASE COMPLETE THIS FORM AND GIVE TO MIKE BARMAN

(Request Made By: ARC ~~123/14~~) (Date: 1/23/14)
ARC

Note:

BOTH DRAFTS SHOULD HAVE THE SAME "REQUESTOR"

(exception: companion bills)



 Please transfer the drafting file for
2011 LRB _____ (For: Rep. / Sen. _____)
to the drafting file for

2013 LRB _____ (For: Rep. / Sen. _____)

-----OR-----

 Please copy the drafting file for
2013 LRB 3184 1P1 (include the version) (For: Rep. Sen. Genroch)

and place it in the drafting file for
2013 LRB 4085 (For: Rep. Sen. Genroch)

 Are These "Companion Bills" ?? ... Yes No

If yes, who in the initial requestor's office authorized the copy/transfer of the drafting history ("guts") from the original file: _____



Stach



see

*needed
by 1/30*

*in
1/23*

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

O-Note

gen act

1 **AN ACT** *gen act*; **relating to:** agreements relating to liability for unauthorized use of
2 credit cards or debit cards.

Analysis by the Legislative Reference Bureau

Under this bill, any agreement between a credit card issuer and a credit card holder, or between an individual and a financial institution holding an account of the individual (account holder), that imposes liability on the credit card holder or account holder for the unauthorized use of a credit card or debit card is not enforceable to the extent that it imposes greater liability on the credit card holder or account holder than is imposed on a credit card holder under the federal Truth in Lending Act (TILA). Under TILA, a credit card holder's liability for unauthorized use of a credit card is limited to a maximum of \$50.

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

3 **SECTION 1.** 224.28 of the statutes is created to read:

4 **224.28 Agreements relating to liability for unauthorized use of credit**
5 **cards or debit cards.** (1) In this section:

6 (a) "Account" has the meaning given in 15 USC 1693a (2). ✓

1 (b) "Agreement" means any of the following:

2 1. Any agreement between a card issuer and a cardholder relating to a credit
3 card.

4 2. Any agreement between a financial institution and a consumer whose
5 account is held by the financial institution.

6 (c) "Cardholder" has the meaning given in 15 USC 1602 (n). ✓

7 (d) "Card issuer" has the meaning given in 15 USC 1602 (o). ✓

8 (e) "Consumer" has the meaning given in 15 USC 1693a (6). ✓

9 (f) "Credit card" has the meaning given in 15 USC 1602 (l). ✓

10 (g) "Debit card" has the meaning given in 15 USC 1693a (1) for "accepted card
11 or other means of access."

12 (h) "Financial institution" has the meaning given in 15 USC 1693a (9). ✓

13 (i) "Unauthorized electronic fund transfer" has the meaning given in 15 USC
14 1693a (12). ✓

15 (j) "Unauthorized use" has the meaning given in 15 USC 1602 (p). ✓

16 (2) Any provision of an agreement that imposes liability on the cardholder or
17 consumer for a cash advance or loan or for the purchase or lease of property or
18 services obtained by the unauthorized use of a credit card or by an unauthorized
19 electronic fund transfer involving a debit card is not enforceable to the extent that
20 it imposes greater liability on the cardholder or consumer than is imposed on a
21 cardholder under the federal Truth in Lending Act, 15 USC 1643, and Regulation Z,
22 12 CFR 226, adopted under that act. ✓

23 **SECTION 2. Initial applicability.**

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4085/P1dn

ARG:f:...

sc

-date-

Please review the attached draft carefully to ensure that it is consistent with your intent.

The primary provision in the attached draft is based on the New York statute provided. However, to give the provision context and meaning, the draft incorporates elements of the federal Truth in Lending Act (TILA), 15 USC 1602 and 1643, and Regulation Z, 12 CFR 226, and the federal Electronic Fund Transfer Act (EFTA), 15 USC 1693a and 1693g, and Regulation E, 12 CFR 205.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "1" draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4085/P1dn
ARG:sac:jf

January 29, 2014

Please review the attached draft carefully to ensure that it is consistent with your intent.

The primary provision in the attached draft is based on the New York statute provided. However, to give the provision context and meaning, the draft incorporates elements of the federal Truth in Lending Act (TILA), 15 USC 1602 and 1643, and Regulation Z, 12 CFR 226, and the federal Electronic Fund Transfer Act (EFTA), 15 USC 1693a and 1693g, and Regulation E, 12 CFR 205.

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Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us



State of Wisconsin
2013 - 2014 LEGISLATURE

TODAY



LRB-4085/1

ARG:sac:fl

in
2/4

RMR

4/4 Hc w/ Steve - wants 11 - no changes

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

No changes

- gen act

1 AN ACT *to create* 224.28 of the statutes; relating to: agreements relating to
2 liability for unauthorized use of credit cards or debit cards.

Analysis by the Legislative Reference Bureau

Under this bill, any agreement between a credit card issuer and a credit card holder, or between an individual and a financial institution holding an account of the individual (account holder), that imposes liability on the credit card holder or account holder for the unauthorized use of a credit card or debit card is not enforceable to the extent that it imposes greater liability on the credit card holder or account holder than is imposed on a credit card holder under the federal Truth in Lending Act (TILA). Under TILA, a credit card holder's liability for unauthorized use of a credit card is limited to a maximum of \$50.

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21 cardholder under the federal Truth in Lending Act, 15 USC 1643, and Regulation Z,
22 12 CFR 226, adopted under that act.

23 **SECTION 2. Initial applicability.**

Rose, Stefanie

From: Peters, Steve
Sent: Wednesday, February 12, 2014 1:52 PM
To: LRB.Legal
Subject: Draft Review: LRB -4085/1 Topic: Agreements relating to liability for unauthorized use of credit cards and debit cards

Please Jacket LRB -4085/1 for the ASSEMBLY.