

## 2013 DRAFTING REQUEST

### Assembly Amendment (AA-AB277)

Received: 8/9/2013 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:  
Fin. Inst. - miscellaneous Extra Copies:

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

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#### Pre Topic:

No specific pre topic given

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#### Topic:

Liability for unauthorized use of card and protected consumers

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#### Instructions:

See attached

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#### 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<br>8/12/2013 |                       |                       | _____          |                       |                       |                 |
| /1           | agary<br>8/22/2013 | wjackson<br>8/15/2013 | jmurphy<br>8/16/2013  | _____          | sbasford<br>8/16/2013 | sbasford<br>8/16/2013 |                 |
| /2           | agary<br>8/23/2013 | wjackson<br>8/23/2013 | jfrantze<br>8/26/2013 | _____          | lparisi<br>8/22/2013  | lparisi<br>8/22/2013  |                 |
| /3           |                    |                       |                       | _____          | lparisi               | lparisi               |                 |

Vers. Drafted

Reviewed

Typed

Proofed  
\_\_\_\_\_

Submitted

8/26/2013

Jacketed

8/26/2013

Required

FE Sent For:

<END>

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| /?           | agary<br>8/12/2013 |                       |                       | _____          |                       |                       |                 |
| /1           | agary<br>8/22/2013 | wjackson<br>8/15/2013 | jmurphy<br>8/16/2013  | _____          | sbasford<br>8/16/2013 | sbasford<br>8/16/2013 |                 |
| /2           |                    | wjackson<br>8/22/2013 | jfrantze<br>8/22/2013 | _____          | lparisi<br>8/22/2013  | lparisi<br>8/22/2013  |                 |

FE Sent For:

13 wly 8/23

<END>

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|--------------|--------------------|-----------------------|-------------------------------------------------------------------------------------|----------------|-----------------------|-----------------------|-----------------|
| /?           | agary<br>8/12/2013 |                       |                                                                                     | _____          |                       |                       |                 |
| /1           |                    | wjackson<br>8/15/2013 | jmurphy<br>8/16/2013                                                                | _____          | sbasford<br>8/16/2013 | sbasford<br>8/16/2013 |                 |
| FE Sent For: |                    | 12Wij 8/22            |  | 8/22           |                       |                       |                 |

<END>

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| /?           | agary          | 1 Wlj 8/15      | Jm 8/15      |                |                  |                 |                 |

FE Sent For:

<END>

**Gary, Aaron**

---

**From:** Peters, Steve  
**Sent:** Thursday, August 08, 2013 4:48 PM  
**To:** Gary, Aaron  
**Subject:** FW: Concerns about consumer protection changes under AB 277.

Aaron,

This is the email I referenced in my message. Amending AB 277 to exempt protected consumers as defined in AB 248 from the changes to liability.

Thanks,

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

---

**From:** Lisa Pugh [<mailto:Lisa.Pugh@drwi.org>]  
**Sent:** Thursday, August 08, 2013 4:26 PM  
**To:** Rep.Genrich  
**Cc:** Peters, Steve; Lisa Pugh  
**Subject:** Concerns about consumer protection changes under AB 277.

Dear Representative Genrich -

Thank you for contacting Disability Rights Wisconsin regarding your concerns about changes to consumer protections for individuals with disabilities (and others) as proposed in AB 277. As I mentioned on the phone, another bill dealing with consumer protections (AB 248) creates special credit-related protections for individuals who require the support of a guardian. AB 248 defines a "protected consumer" as follows:

- (c) "Protected consumer" means an individual who is one of the following:
- AB248.3.76 1. Under the age of 16 years at the time a request for the placement of a security freeze is made under sub. (3) (a).
  - AB248.3.88 2. An individual for whom a guardian or conservator has been appointed.

13-1533

Please let me know how else we can be of assistance.

Regards,

Lisa Pugh

Lisa Pugh, Public Policy Coordinator  
Wisconsin Disability Policy Partnership  
DISABILITY RIGHTS WISCONSIN  
131 W. Wilson St.  
Suite 700

Madison, WI 53703  
608-267-0214  
608-267-0368 (fax)  
[lisa.pugh@drwi.org](mailto:lisa.pugh@drwi.org)

Twitter: @WisDisPolicy <https://twitter.com/#!/WisDisPolicy>

**Gary, Aaron**

---

**From:** Peters, Steve  
**Sent:** Tuesday, August 13, 2013 4:41 PM  
**To:** Gary, Aaron  
**Subject:** For LRBA0722

Aaron,

In addition to adding the protected consumer language from AB 248:

(c) "Protected consumer" means an individual who is one of the following:

AB248, 3, 76 1. Under the age of 16 years at the time a request for the placement of a security freeze is made under sub. (3) (a).

AB248, 3, 88 2. An individual for whom a guardian or conservator has been appointed.

Can we also add another line that states ""An individual with a cognitive impairment" ?

Thanks,

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

---

**From:** Rob Gundermann [mailto:gundermann@alzwisc.org]  
**Sent:** Tuesday, August 13, 2013 10:54 AM  
**To:** Rep.Genrich  
**Subject:** RE: Concerns about consumer protection changes under AB 277.

Dear Representative Genrich:

We would support an amendment to add a number 3 after Lisa's language that states "An individual with a cognitive impairment." We prefer to avoid using the word "diagnosis" because in many cases, especially for the young onset and early stage folks, they won't have been diagnosed yet. In many cases situations like this are what leads the family to seek the diagnosis. Holding them harmless seems reasonable given that they have limited capacity.

I'm working with Representative Kaufert on the Silver Alert bill and would be happy to talk with his office about supporting an amendment if you think that would be helpful.

Thanks again for alerting me to this provision. I really appreciate it.

Best,  
Rob

**Rob Gundermann**  
**Public Policy Director / Lobbyist**

Alzheimer's & Dementia Alliance of Wisconsin  
517 N. Segoe Road, Suite 301

Madison, WI 53705  
608.232.3408 or 888.308.6251  
[www.alzawisc.org](http://www.alzawisc.org)

**[Sign up for our email newsletter!](#)**

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---

**From:** Rep.Genrich [<mailto:Rep.Genrich@legis.wisconsin.gov>]  
**Sent:** Monday, August 12, 2013 3:42 PM  
**To:** [gundermann@alzawisc.org](mailto:gundermann@alzawisc.org)  
**Subject:** Fwd: Concerns about consumer protection changes under AB 277.

Hi Rob -

Here's that email I referenced in our call. Please let us know what you'd suggest we add to this language when you get the chance.

Thanks again for your help.

Eric Genrich  
State Representative  
90th Assembly District

Begin forwarded message:

**From:** Lisa Pugh <[Lisa.Pugh@drwi.org](mailto:Lisa.Pugh@drwi.org)>  
**Date:** August 8, 2013, 4:25:58 PM CDT  
**To:** "'[rep.genrich@legis.wisconsin.gov](mailto:rep.genrich@legis.wisconsin.gov)'" <[rep.genrich@legis.wisconsin.gov](mailto:rep.genrich@legis.wisconsin.gov)>  
**Cc:** "'[steve.peters@legis.wisconsin.gov](mailto:steve.peters@legis.wisconsin.gov)'" <[steve.peters@legis.wisconsin.gov](mailto:steve.peters@legis.wisconsin.gov)>, Lisa Pugh <[Lisa.Pugh@drwi.org](mailto:Lisa.Pugh@drwi.org)>  
**Subject:** Concerns about consumer protection changes under AB 277.

Dear Representative Genrich -

Thank you for contacting Disability Rights Wisconsin regarding your concerns about changes to consumer protections for individuals with disabilities (and others) as proposed in AB 277. As I mentioned on the phone, another bill dealing with consumer protections (AB 248) creates special credit-related protections for individuals who require the support of a guardian. AB 248 defines a "protected consumer" as follows:

(c) "Protected consumer" means an individual who is one of the following:

AB248.3.76 1. Under the age of 16 years at the time a request for the placement of a security freeze is made under sub. (3) (a).

AB248.3.88 2. An individual for whom a guardian or conservator has been appointed.

As we discussed today, although DRW will ultimately not publicly support this bill due to the significant overall reduction in consumer protection, we would support your idea to amend language to at least maintain existing important protections for vulnerable consumers. We encourage you to draft an amendment that exempts a "protected consumer" from these changes and ensures they will have limited liability under such circumstances of unauthorized use of a person's "plastic card" as defined in AB 277.

Please let me know how else we can be of assistance.

Regards,

Lisa Pugh

**Lisa Pugh, Public Policy Coordinator**  
**Wisconsin Disability Policy Partnership**  
**DISABILITY RIGHTS WISCONSIN**  
131 W. Wilson St.  
Suite 700  
Madison, WI 53703  
608-267-0214  
608-267-0368 (fax)  
[lisa.pugh@drwi.org](mailto:lisa.pugh@drwi.org)

Twitter: @WisDisPolicy <https://twitter.com/#!/WisDisPolicy>



in  
8/12

Wlj

wanted  
by 8/16

ASSEMBLY AMENDMENT,  
TO ASSEMBLY BILL 277

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 10, line 1: after that line insert:

3 "SECTION 15m. DFI-Bkg 14.01 (4m) of the administrative code is created to  
4 read:

any of the following: ~~Part (a)~~ An

5 DFI-Bkg 14.01 (4m) "Protected consumer" means ~~an~~ individual for whom a  
6 guardian or conservator has been appointed.

insert  
1-6

7 ✓ 2. Page 10, line 7: after "follows" insert ", unless the customer is a protected  
8 consumer".

9 ✓ 3. Page 10, line 8: delete lines 8 and 9 and substitute:

10 "SECTION 17m. DFI-Bkg 14.07 (2) (a) 1. and 2. of the administrative code are  
11 renumbered DFI-Bkg 14.07 (2) (am) 1. and 2."

12 ✓ 4. Page 11, line 25: after that line insert:

1           **SECTION 18m.** DFI-Bkg 14.07 (2) (am) (intro.) of the administrative code is  
2 created to read:

3           DFI-Bkg 14.07 (2) (am) (intro.) If the customer is a protected consumer, the  
4 liability of a customer of a bank for the unauthorized use of a plastic card or other  
5 access device to a customer bank communications terminal may not exceed the lesser  
6 of the following:".

7           **5.** Page 19, line 3: after that line insert:

8           **SECTION 44m.** DFI-CU 63.02 (3m) of the administrative code is created to  
9 read:

*any of the following: (a) An*

10           DFI-CU 63.02 (3m) "Protected consumer" means an individual for whom a  
11 guardian or conservator has been appointed.

*Handwritten notes: circled 10 and 11, with arrows pointing to lines 10 and 11.*

12           **6.** Page 19, line 9: after "follows" insert "unless the customer is a protected  
13 consumer".

14           **7.** Page 19, line 10: delete lines 10 and 11 and substitute:

15           **SECTION 46m.** DFI-CU 63.07 (2) (a) 1. and 2. of the administrative code are  
16 renumbered DFI-CU 63.07 (2) (am) 1. and 2.".

17           **8.** Page 21, line 3: after that line insert:

18           **SECTION 47m.** DFI-CU 63.07 (2) (am) (intro.) of the administrative code is  
19 created to read:

20           DFI-CU 63.07 (2) (am) (intro.) If the customer is a protected consumer, the  
21 liability of a customer of a credit union for the unauthorized use of a plastic card or  
22 other access device to a remote terminal may not exceed the lesser of the following:".

23           **9.** Page 22, line 1: after that line insert:

1 "SECTION 51m. DFI-SB 12.02 (3m) of the administrative code is created to  
2 read:

*any of the following: (a) An*

3 DFI-SB 12.02 (3m) "Protected consumer" means an individual for whom a  
4 guardian or conservator has been appointed.

*insert 3-4*

5 ✓ 10. Page 22, line 7: after "follows" insert ", unless the customer is a protected  
6 consumer".

7 ✓ 11. Page 22, line 8: delete lines 8 and 9 and substitute:

8 "SECTION 53m. DFI-SB 12.07 (2) (a) 1. and 2. of the administrative code are  
9 renumbered DFI-SB 12.07 (2) (am) 1. and 2."

10 ✓ 12. Page 24, line 3: after that line insert:

11 "SECTION 54m. DFI-SB 12.07 (2) (am) (intro.) of the administrative code is  
12 created to read:

13 DFI-SB 12.07 (2) (am) (intro.) If the customer is a protected consumer, the  
14 liability of a customer of a savings bank for the unauthorized use of a plastic card or  
15 other access device to a remote service unit may not exceed the lesser of the  
16 following:"

17 ✓ 13. Page 25, line 1: after that line insert:

18 "SECTION 58m. DFI-SL 12.02 (3m) of the administrative code is created to  
19 read:

*any of the following: (a) An*

20 DFI-SL 12.02 (3m) "Protected consumer" means an individual for whom a  
21 guardian or conservator has been appointed.

*insert 3-21*

22 ✓ 14. Page 25, line 7: after "follows" insert ", unless the customer is a protected  
23 consumer".

24 ✓ 15. Page 25, line 8: delete lines 8 and 9 and substitute:



2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBa0722/lins  
ARG:.....

1

2

3

**INSERT 1-6:**

4

(b) An individual with a cognitive impairment.”. ✓

5

**INSERT 2-11:**

6

(b) An individual with a cognitive impairment.”. ✓

7

**INSERT 3-4:**

8

(b) An individual with a cognitive impairment.”. ✓

9

**INSERT 3-21:**

10

(b) An individual with a cognitive impairment.”. ✓

11

**Gary, Aaron**

---

**From:** Peters, Steve  
**Sent:** Thursday, August 22, 2013 11:59 AM  
**To:** Gary, Aaron  
**Subject:** FW: Rep. Genrich Meeting on AB 277 Tuesday 9:30

Aaron,

For LRB 0722 can we replace the words cognitive impairment with intellectual disability where it occurs? Looks like P1Line 7, P 2 Line 12, P3 line5 and 23.

Thanks,

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

---

**From:** Lisa Pugh [<mailto:Lisa.Pugh@drwi.org>]  
**Sent:** Wednesday, August 21, 2013 7:03 PM  
**To:** Peters, Steve  
**Subject:** RE: Rep. Genrich Meeting on AB 277 Tuesday 9:30

Thanks for working on this. My only suggestion is that typically we would not use the term "cognitive impairment". Last year DHS changed most terminology in state law to refer to "intellectual disability".

Lisa

**Lisa Pugh, Public Policy Coordinator**  
**Wisconsin Disability Policy Partnership**  
**DISABILITY RIGHTS WISCONSIN**  
131 W. Wilson St.  
Suite 700  
Madison, WI 53703  
608-267-0214  
608-267-0368 (fax)  
[lisa.pugh@drwi.org](mailto:lisa.pugh@drwi.org)

Twitter: @WisDisPolicy <https://twitter.com/#!/WisDisPolicy>



State of Wisconsin  
2013 - 2014 LEGISLATURE

in  
8/22



LRBa0722/ Z  
ARG:wlj/jm

wanted  
by  
8/23

stays  
RMR

ASSEMBLY AMENDMENT,  
TO ASSEMBLY BILL 277

1 At the locations indicated, amend the bill as follows:

2 1. Page 10, line 1: after that line insert:

3 "SECTION 15m. DFI-Bkg 14.01 (4m) of the administrative code is created to  
4 read:

5 DFI-Bkg 14.01 (4m) "Protected consumer" means any of the following:

6 (a) An individual for whom a guardian or conservator has been appointed.

7 (b) An individual with ~~a cognitive impairment~~. insert 1-7 ✓

8 2. Page 10, line 7: after "follows" insert ", unless the customer is a protected  
9 consumer".

10 3. Page 10, line 8: delete lines 8 and 9 and substitute:

11 "SECTION 17m. DFI-Bkg 14.07 (2) (a) 1. and 2. of the administrative code are  
12 renumbered DFI-Bkg 14.07 (2) (am) 1. and 2."

13 4. Page 11, line 25: after that line insert:

1           **“SECTION 18m.** DFI-Bkg 14.07 (2) (am) (intro.) of the administrative code is  
2 created to read:

3           DFI-Bkg 14.07 (2) (am) (intro.) If the customer is a protected consumer, the  
4 liability of a customer of a bank for the unauthorized use of a plastic card or other  
5 access device to a customer bank communications terminal may not exceed the lesser  
6 of the following:”.

7           **5.** Page 19, line 3: after that line insert:

8           **“SECTION 44m.** DFI-CU 63.02 (3m) of the administrative code is created to  
9 read:

10          DFI-CU 63.02 (3m) “Protected consumer” means any of the following:

11          (a) An individual for whom a guardian or conservator has been appointed.

12          (b) An individual with ~~a cognitive impairment~~.”.

insert 2-12 ✓

13          **6.** Page 19, line 9: after “follows” insert “, unless the customer is a protected  
14 consumer”.

15          **7.** Page 19, line 10: delete lines 10 and 11 and substitute:

16          **“SECTION 46m.** DFI-CU 63.07 (2) (a) 1. and 2. of the administrative code are  
17 renumbered DFI-CU 63.07 (2) (am) 1. and 2.”.

18          **8.** Page 21, line 3: after that line insert:

19          **“SECTION 47m.** DFI-CU 63.07 (2) (am) (intro.) of the administrative code is  
20 created to read:

21          DFI-CU 63.07 (2) (am) (intro.) If the customer is a protected consumer, the  
22 liability of a customer of a credit union for the unauthorized use of a plastic card or  
23 other access device to a remote terminal may not exceed the lesser of the following:”.

24          **9.** Page 22, line 1: after that line insert:

1           **"SECTION 51m.** DFI-SB 12.02 (3m) of the administrative code is created to  
2 read:

3           DFI-SB 12.02 (3m) "Protected consumer" means any of the following:

4           (a) An individual for whom a guardian or conservator has been appointed.

5           (b) An individual with ~~a cognitive impairment~~."

Insert 3-5 ✓

6           **10.** Page 22, line 7: after "follows" insert ", unless the customer is a protected  
7 consumer".

8           **11.** Page 22, line 8: delete lines 8 and 9 and substitute:

9           **"SECTION 53m.** DFI-SB 12.07 (2) (a) 1. and 2. of the administrative code are  
10 renumbered DFI-SB 12.07 (2) (am) 1. and 2."

11           **12.** Page 24, line 3: after that line insert:

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16 other access device to a remote service unit may not exceed the lesser of the  
17 following:".

18           **13.** Page 25, line 1: after that line insert:

19           **"SECTION 58m.** DFI-SL 12.02 (3m) of the administrative code is created to  
20 read:

21           DFI-SL 12.02 (3m) "Protected consumer" means any of the following:

22           (a) An individual for whom a guardian or conservator has been appointed.

23           (b) An individual with ~~a cognitive impairment~~."

Insert 3-23 ✓



2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBa0722/2ins  
ARG:.....

1

2

3 **INSERT 1-7:**

4 (no A) an intellectual disability

5 **INSERT 2-12:**

6 (no A) an intellectual disability

7 **INSERT 3-5:**

8 (no A) an intellectual disability

9 **INSERT 3-23:**

10 (no A) an intellectual disability

11



in  
8/23



LRBa0722/3

ARG:wljif

STAYS  
RMNR

wanted  
by 8/27

**ASSEMBLY AMENDMENT,  
TO ASSEMBLY BILL 277**

8/23 x/c w/ Steve  
add "cognitive impairment"  
back in as (c)

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 10, line 1: after that line insert:

3 "SECTION 15m. DFI-Bkg 14.01 (4m) of the administrative code is created to  
4 read:

5 DFI-Bkg 14.01 (4m) "Protected consumer" means any of the following:

6 (a) An individual for whom a guardian or conservator has been appointed.

7 (b) An individual with an intellectual disability. *oe*

8 **2.** Page 10, line 7: after "follows" insert ", unless the customer is a protected  
9 consumer".

10 **3.** Page 10, line 8: delete lines 8 and 9 and substitute:

11 "SECTION 17m. DFI-Bkg 14.07 (2) (a) 1. and 2. of the administrative code are  
12 renumbered DFI-Bkg 14.07 (2) (am) 1. and 2."

13 **4.** Page 11, line 25: after that line insert:

insert  
1-7  
7

1           **“SECTION 18m.** DFI–Bkg 14.07 (2) (am) (intro.) of the administrative code is  
2 created to read:

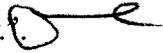
3           DFI–Bkg 14.07 (2) (am) (intro.) If the customer is a protected consumer, the  
4 liability of a customer of a bank for the unauthorized use of a plastic card or other  
5 access device to a customer bank communications terminal may not exceed the lesser  
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10          DFI–CU 63.02 (3m) “Protected consumer” means any of the following:

11          (a) An individual for whom a guardian or conservator has been appointed.

12          (b) An individual with an intellectual disability. 

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14 consumer”.

15          **7.** Page 19, line 10: delete lines 10 and 11 and substitute:

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20 created to read:

21          DFI–CU 63.07 (2) (am) (intro.) If the customer is a protected consumer, the  
22 liability of a customer of a credit union for the unauthorized use of a plastic card or  
23 other access device to a remote terminal may not exceed the lesser of the following:”.

24          **9.** Page 22, line 1: after that line insert:

MAINT  
3-5  
5

1 “SECTION 51m. DFI-SB 12.02 (3m) of the administrative code is created to  
2 read:

3 DFI-SB 12.02 (3m) “Protected consumer” means any of the following:

- 4 (a) An individual for whom a guardian or conservator has been appointed.
- 5 (b) An individual with an intellectual disability.

6 **10.** Page 22, line 7: after “follows” insert “, unless the customer is a protected  
7 consumer”.

8 **11.** Page 22, line 8: delete lines 8 and 9 and substitute:

9 “SECTION 53m. DFI-SB 12.07 (2) (a) 1. and 2. of the administrative code are  
10 renumbered DFI-SB 12.07 (2) (am) 1. and 2.”.

11 **12.** Page 24, line 3: after that line insert:

12 “SECTION 54m. DFI-SB 12.07 (2) (am) (intro.) of the administrative code is  
13 created to read:

14 DFI-SB 12.07 (2) (am) (intro.) If the customer is a protected consumer, the  
15 liability of a customer of a savings bank for the unauthorized use of a plastic card or  
16 other access device to a remote service unit may not exceed the lesser of the  
17 following:”.

18 **13.** Page 25, line 1: after that line insert:

19 “SECTION 58m. DFI-SL 12.02 (3m) of the administrative code is created to  
20 read:

21 DFI-SL 12.02 (3m) “Protected consumer” means any of the following:

- 22 (a) An individual for whom a guardian or conservator has been appointed.
- 23 (b) An individual with an intellectual disability.

MAINT  
3-23  
23



2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBa0722/3ins  
ARG:.....

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11

**INSERT 1-7:**

(c) An individual with a cognitive impairment.”. ✓

**INSERT 2-12:**

(c) An individual with a cognitive impairment.”. ✓

**INSERT 3-5:**

(c) An individual with a cognitive impairment.”. ✓

**INSERT 3-23:**

(c) An individual with a cognitive impairment.”. ✓