



**SENATE AMENDMENT 1,
TO 1995 SENATE BILL 580**

March 19, 1996 – Offered by COMMITTEE ON EDUCATION AND FINANCIAL INSTITUTIONS.

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

2 **1.** Page 3, line 5: delete “(1)”.

3 **2.** Page 5, line 13: before “form” insert “notice”.

4 **3.** Page 6, line 2: after “notice” insert “form”.

5 **4.** Page 6, line 3: after “notice” insert “form”.

6 **5.** Page 6, line 7: delete the material beginning with “review” and ending with
7 the period on line 8 and substitute: “require changes in the offering circular filed by
8 the franchisor.”.

9 **6.** Page 8, line 23: delete the material beginning with that line and ending with
10 page 9, line 3, and substitute:

11 “**SECTION 41e.** 553.28 (1) (a) of the statutes, as affected by 1995 Wisconsin Act
12 27, is repealed and recreated to read:

13 553.28 (1) (a) That the franchisor or any person acting on behalf of the
14 franchisor failed to provide an offering circular to a person purchasing a franchise
15 in this state within the time period prescribed in s. 553.27 (4).

1 **SECTION 41m.** 553.28 (1) (b) of the statutes is repealed and recreated to read:

2 553.28 (1) (b) That any person in this state was sold a franchise by means of
3 any written or oral communication that contained an untrue statement of a material
4 fact, or that omitted to state a material fact necessary in order to make statements
5 made, in the light of the circumstances under which they were made, not misleading.

6 **SECTION 41s.** 553.28 (1) (c) of the statutes is repealed.”.

7 **7.** Page 9, line 17: delete “of the statutes is” and substitute “, (g) and (h) of the
8 statutes are”.

9 **8.** Page 10, line 10: delete “~~or~~” and substitute “or”.

10 **9.** Page 10, line 11: delete lines 11 to 13 and substitute: “~~under s. 553.31(1),~~
11 omit to state a material fact necessary in order to make the statement made, in the
12 light of the circumstances under which they are it is made, not misleading.”.

13 **10.** Page 11, line 15: delete “subfranchisee’s” and substitute “subfranchisor’s”.

14 **11.** Page 12, line 7: after “maintained” insert “against any person”.

15 **12.** Page 12, line 11: after “disclosing” insert “from or on behalf of that person”.

16 **13.** Page 13, line 8: after that line insert:

17 “**SECTION 59m.** 553.54 (2) (a) of the statutes is amended to read:

18 553.54 (2) (a) The court may, prior to the entry of final judgment, issue such
19 orders or judgments as are necessary to restore to any person any pecuniary loss
20 suffered because of the acts or practices involved in the action if proof of the
21 pecuniary loss is submitted to the satisfaction of the court. Orders or judgments
22 under this paragraph shall not provide restoration of any pecuniary loss to persons
23 for whom recovery is sought where the defendant in the action establishes that the
24 persons were in possession of knowledge which would defeat recovery by them in a

1 private civil action under s. 553.51 ~~(1)~~ or (2). Persons liable for pecuniary losses
2 under this paragraph are the same as provided under s. 553.51 (3).”

3 (END)