



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2013 Wisconsin Act 247
[2013 Assembly Bill 592]

**Solicitation of a Fee by an
Individual or Business
for a Public Record**

2013 Wisconsin Act 247 creates a number of requirements, both duties and prohibitions, that apply to an individual or business that solicits a fee for providing a copy of a record kept by a state agency or local unit of government. The Act applies only to written solicitations addressed and delivered to an individually identified person, residence, or business location. It provides broad definitions of “record,” “state agency,” and “local unit of government.” The Act does not apply to title insurance agencies.

The Act specifies that the document used for a solicitation may not be in a form or use deadline dates or other language that makes the document appear to be a document issued by a state agency or local unit of government or that appears to impose a legal duty on the person being solicited. The document must state on the top, in at least 24-point type, all of the following:

- That the solicitation is not from a state agency or local unit of government.
- That no action is legally required by the person being solicited.
- The fee for, or the cost of, obtaining a copy of the record from the state agency or local unit of government that has custody of the record.
- The information necessary to contact the state agency or local unit of government that has custody of the record.
- The name and physical address of the business or individual soliciting the fee.

The Act authorizes the Department of Agriculture, Trade and Consumer Protection (DATCP) to promulgate rules specifying the contents and form of the solicitation document.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.wisconsin.gov>.

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The Act prohibits a business or individual from charging a fee of more than four times the amount charged by the state agency or local unit of government that has custody of the record for a copy of the same record. It requires a business or individual soliciting a fee from property owners for providing a copy of a deed to furnish the Office of the Register of Deeds of each county where the solicitations are to be distributed with a copy of the document that will be used for those solicitations not less than 15 days before distributing the solicitations.

The Act authorizes DATCP to investigate violations of the Act and to bring an action or request that the Department of Justice or a district attorney bring an action against an alleged violator. The penalty for a first violation of the Act is a forfeiture of not more than \$100 for each solicitation document distributed in violation; the penalty for subsequent violations is a forfeiture of not more than \$200 for each document. In addition, the court may order a violator to refund all of the moneys paid to the violator.

Effective date: April 10, 2014.

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