

# State of Wisconsin



2013 Assembly Bill 277

Date of enactment: **March 11, 2014**  
Date of publication\*: **March 12, 2014**

## 2013 WISCONSIN ACT 136

AN ACT *to amend* 13.92 (4) (c), 13.92 (4) (d), 13.92 (4) (e), 13.92 (4) (f), 35.93 (2) (b) 4., 35.93 (2) (c) 1., 35.93 (3), 35.93 (3) (e) (intro.), 35.93 (3) (e) 1., 227.01 (13) (intro.), 227.11 (2) (intro.) and 227.27 (2); and *to create* 13.92 (4) (bm) and 227.265 of the statutes; **relating to:** rule-making procedures and modifying and repealing various rules promulgated by the Department of Financial Institutions.

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

**SECTION 1.** 13.92 (4) (bm) of the statutes is created to read:

13.92 (4) (bm) If 2 or more rules filed under s. 227.20 or modified under s. 227.265 affect the same unit of the Wisconsin administrative code without taking cognizance of the effect thereon of the other rules and if the legislative reference bureau finds that there is no mutual inconsistency in the changes made by each such rule, the legislative reference bureau shall incorporate the changes made by each rule into the text of the unit and document the incorporation in a note to the unit. For each such incorporation, the legislative reference bureau shall include in a correction bill a provision formally validating the incorporation. Section 227.27 (2) is not affected by printing decisions made by the legislative reference bureau under this paragraph.

**SECTION 2.** 13.92 (4) (c) of the statutes is amended to read:

13.92 (4) (c) The legislative reference bureau may insert in the Wisconsin administrative code a note explaining any change made under par. (b) or (bm).

**SECTION 3.** 13.92 (4) (d) of the statutes is amended to read:

13.92 (4) (d) Sections 227.114, 227.116, 227.135, and 227.14 to 227.24 do not apply to any change made by the legislative reference bureau under par. (b) or (bm).

**SECTION 4.** 13.92 (4) (e) of the statutes is amended to read:

13.92 (4) (e) The legislative reference bureau shall prepare and keep on file a record of each change made under par. (b) or (bm).

**SECTION 5.** 13.92 (4) (f) of the statutes is amended to read:

13.92 (4) (f) The legislative reference bureau shall notify the agency involved of each change made under par. (b) or (bm).

**SECTION 6.** 35.93 (2) (b) 4. of the statutes, as affected by [2013 Wisconsin Act 20](#), is amended to read:

35.93 (2) (b) 4. Copies of all rules filed with the legislative reference bureau under s. 227.20 (1) or modified under s. 227.265 since the compilation of the preceding register, including emergency rules filed under s. 227.24 (3).

**SECTION 7.** 35.93 (2) (c) 1. of the statutes, as affected by [2013 Wisconsin Act 20](#), is amended to read:

35.93 (2) (c) 1. Each chapter of the Wisconsin administrative code that has been affected by rules filed with legislative reference bureau under s. 227.20 (1) or modified under s. 227.265, in accordance with sub. (3) (e) 1.

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

**SECTION 8.** 35.93 (3) of the statutes is amended to read:

35.93 (3) The legislative reference bureau shall compile and deliver to the department for printing copy for a register which shall contain all the rules filed under s. 227.20 or modified under s. 227.265 since the compilation of rules for the preceding issue of the register was made and those executive orders which are to be in effect for more than 90 days or an informative summary thereof. The complete register shall be compiled and published before the first day of each month and a notice section of the register shall be compiled and published before the 15th day of each month. Each issue of the register shall contain a title page with the name “Wisconsin administrative register”, the number and date of the register, and a table of contents. Each page of the register shall also contain the date and number of the register of which it is a part in addition to the other necessary code titles and page numbers. The legislative reference bureau may include in the register such instructions or information as in the bureau’s judgment will help the user to correctly make insertions and deletions in the code and to keep the code current.

**SECTION 9.** 35.93 (3) (e) (intro.) of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

35.93 (3) (e) (intro.) The legislative reference bureau shall incorporate into the appropriate chapters of the Wisconsin administrative code each permanent rule filed with the legislative reference bureau under s. 227.20 (1) or modified under s. 227.265 and, for each chapter of the administrative code affected by a rule, do all of the following:

**SECTION 10.** 35.93 (3) (e) 1. of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

35.93 (3) (e) 1. Publish the chapter in the appropriate end-of-month register in accordance with the filing deadline for publication established in the rules procedures manual published under s. 227.15 (7) ~~or, in an end-of-month register agreed to by the submitting agency and the legislative reference bureau, or, in the case of a rule modified under s. 227.265, in the end-of-month register for the month in which the bill modifying the rule is enacted.~~

**SECTION 11.** 227.01 (13) (intro.) of the statutes is amended to read:

227.01 (13) (intro.) “Rule” means a regulation, standard, statement of policy, or general order of general application which has the effect of law and which is issued by an agency to implement, interpret, or make specific legislation enforced or administered by the agency or to govern the organization or procedure of the agency. “Rule” includes a modification of a rule under s. 227.265. “Rule” does not include, and s. 227.10 does not apply to, any action or inaction of an agency, whether it would otherwise meet the definition under this subsection, which:

**SECTION 12.** 227.11 (2) (intro.) of the statutes is amended to read:

227.11 (2) (intro.) Rule-making authority is expressly conferred on an agency as follows:

**SECTION 13.** 227.265 of the statutes is created to read:

**227.265 Repeal or modification of rules.** If a bill to repeal or modify a rule is enacted, the procedures under ss. 227.114 to 227.21 and 227.26 do not apply. Instead, the legislative reference bureau shall publish the repeal or modification in the Wisconsin administrative code and register as required under s. 35.93, and the repeal or modification shall take effect as provided in s. 227.22.

**SECTION 14.** 227.27 (2) of the statutes is amended to read:

227.27 (2) The code shall be prima facie evidence in all courts and proceedings as provided by s. 889.01, but this does not preclude reference to or, in case of a discrepancy, control over a rule filed with the legislative reference bureau ~~or the secretary of state under s. 227.20 or modified under s. 227.265~~, and the certified copy of a rule shall also and in the same degree be prima facie evidence in all courts and proceedings.

**SECTION 15.** DFI-Bkg 10.03 of the administrative code is amended to read:

DFI-Bkg 10.03 **Notice of appeal.** Any interested person aggrieved by any act, order, or determination of the administrator of the division of banking under chs. 220, 221, and 223, Stats., may file with the administrator of the division of banking within 10 days after the act, order, or determination to be reviewed ~~an original and 8 copies of a~~ Notice of Appeal in the manner prescribed by s. DFI-Bkg 10.05 in the following form:

To the Wisconsin Banking Review Board:

The undersigned hereby appeals from the order of the administrator of the division of banking dated \_\_\_\_\_, 20\_\_, whereby it was ordered that (here set forth the substance of the order).

The nature of petitioner’s interest is: (Here set forth the nature of petitioner’s interest).

The grounds of appeal are the following: (Here set forth the exceptions or objections relied on, and if no answer has been filed, then also an answer to the findings of fact in the order, in the manner prescribed by s. DFI-Bkg 11.11, rules of Procedure for proceedings and hearings had before the administrator of the division of banking).

Dated \_\_\_\_\_, 20\_\_.

**SECTION 16.** DFI-Bkg 14.07 (2) (a) (intro.) of the administrative code is amended to read:

DFI-Bkg 14.07 (2) (a) (intro.) The liability of a customer of a bank for the unauthorized use of a plastic card or other ~~means providing the customer access device~~ to a customer bank communications terminal ~~may not exceed the lesser of the following~~ shall be determined as follows:

**SECTION 17.** DFI-Bkg 14.07 (2) (a) 1. and 2. of the administrative code are repealed.

**SECTION 18.** DFI-Bkg 14.07 (2) (a) 3., 4., 5., 6., 7. and 8. of the administrative code are created to read:

DFI-Bkg 14.07 (2) (a) 3. If the customer notifies the bank within 2 business days after learning of the unauthorized use or of loss or theft of the plastic card or other access device, the customer's liability may not exceed the lesser of \$50 or the amount of unauthorized transfers that occur before notice to the bank.

4. If the customer fails to notify the bank within 2 business days after learning of the unauthorized use or of loss or theft of the plastic card or other access device, the customer's liability may not exceed the lesser of \$500 or the sum of all of the following:

a. \$50 or the amount of unauthorized transfers that occur within the 2 business days, whichever is less.

b. The amount of unauthorized transfers that occur after the close of 2 business days and before notice to the bank, if the bank establishes that these transfers would not have occurred had the customer notified the bank within that 2-day period.

5. A customer must report an unauthorized transfer from the unauthorized use of a plastic card or other access device to a customer bank communications terminal that appears on a periodic statement within 60 days of the bank's transmittal of the statement to avoid liability for subsequent transfers. If the customer fails to do so, the customer's liability may not exceed the amount of the unauthorized transfers that occur after the close of the 60 days and before notice to the bank and that the bank establishes would not have occurred had the customer notified the bank within the 60-day period. When a plastic card or other access device is involved in the unauthorized transfer, the customer may be liable for other amounts set forth in subd. 3. or 4., as applicable.

6. If the customer's delay in notifying the bank as provided in subd. 5. was due to extenuating circumstances, the bank shall extend the time specified in subd. 5. to a reasonable period.

7. a. Notice to a bank is given when a customer takes steps reasonably necessary to provide the bank with the pertinent information, whether or not a particular employee or agent of the bank actually receives the information.

b. A customer may notify the bank in person, by telephone, or in writing.

c. Written notice is considered given at the time the customer mails the notice or delivers it for transmission to the bank by any other usual means. Notice may be considered constructively given when the bank becomes aware of circumstances leading to the reasonable belief that an unauthorized transfer to or from the customer's account has been or may be made.

8. If an agreement between the customer and the bank imposes less liability than is provided by this section, the

customer's liability may not exceed the amount imposed under the agreement.

**SECTION 19.** DFI-Bkg 14.07 (2) (b) of the administrative code is amended to read:

DFI-Bkg 14.07 (2) (b) A customer furnishing another person with a plastic card or other means of access device to the customer's account through a customer bank communications terminal shall be deemed to authorize all transactions that may be accomplished by that means, until the customer has given actual notice to the bank that further transactions are unauthorized.

**SECTION 20.** DFI-Bkg 14.08 (2) (intro.) of the administrative code is amended to read:

DFI-Bkg 14.08 (2) TRANSACTION DOCUMENTATION. (intro.) ~~Every~~ Except as provided in sub. (4), every transfer of funds through a customer bank communications terminal made by a customer of a bank shall be evidenced by a written document made available to the customer at the time of the transaction. The document shall indicate with reasonable specificity the identity of any third party to whom funds are electronically transferred, the identity of the customer's account, the amount of funds transferred, the type of transaction, and the date of the transaction. A customer may be required to re-enter an access device, such as a card, at a terminal in order to receive transaction documentation if all of the following conditions are met:

**SECTION 21.** DFI-Bkg 14.08 (4) of the administrative code is created to read:

DFI-Bkg 14.08 (4) EXCEPTION FOR WRITTEN DOCUMENT IN SMALL-VALUE TRANSFERS. A bank is not subject to the requirement to make available a written document under sub. (2) if the amount of the transfer is \$15 or less.

**SECTION 22.** DFI-Bkg 14.09 of the administrative code is repealed.

**SECTION 23.** DFI-Bkg 40.04 (2) of the administrative code is amended to read:

DFI-Bkg 40.04 (2) Before using any trade name or d/b/a designation, the licensee shall obtain ~~written~~ approval from the division for the use of such trade name or d/b/a designation.

**SECTION 24.** DFI-Bkg 41.05 (intro.) of the administrative code is amended to read:

DFI-Bkg 41.05 **License renewals.** (intro.) For all licenses ~~expiring on or after December 31, 2010~~ under subch. III of ch. 224, Stats., all of the following apply:

**SECTION 25.** DFI-Bkg 46.01 (3) of the administrative code is renumbered DFI-Bkg 46.01 (3) (am) and DFI-Bkg 46.01 (3) (am) (intro.), as renumbered, is amended to read:

DFI-Bkg 46.01 (3) (am) (intro.) "Points ~~Except as provided in par. (bm),~~ "points and fees" means any of the following:

**SECTION 26.** DFI-Bkg 46.01 (3) (bm) of the administrative code is created to read:

DFI-Bkg 46.01 (3) (bm) "Points and fees" does not include reasonable fees paid to affiliates or nonaffiliates of the lender for bona fide services listed in [12 CFR 226.4](#) (c) (7).

**SECTION 27.** DFI-Bkg 73.02 (2) (e) of the administrative code is amended to read:

DFI-Bkg 73.02 (2) (e) A statement to the effect that the debtor will be permitted to examine his or her accounts ~~in the office of the licensee during regular office hours.~~

**SECTION 28.** DFI-Bkg 73.03 (1) of the administrative code is amended to read:

DFI-Bkg 73.03 (1) (a) *Shared office space.* The office of an adjustment service company shall not be shared or have a common waiting room with a practicing attorney, collection agency, justice of the peace, loan or finance company. Before any other business is conducted in the same office with the licensee, prior approval must be granted by the ~~office of administrator of the division of banking.~~ The office shall not be located in a private residence unless the adjustment service office is used solely for business purposes, has an outside entrance and can be isolated from the remainder of the residence. If other approved business is conducted in the same office, the accounting records of such other business shall be kept separate from the account records of the adjustment service company.

(b) *Office hours.* Every licensee shall maintain regular office hours on designated business days from Monday through Friday and must be open for business at least 4 hours each designated business day. Whenever an office is not open for business at least 6 hours a day, or if the licensee maintains irregular office hours, a written notice must be filed with the ~~office of the administrator of the division of banking setting forth the schedule of minimum office hours.~~

**SECTION 29.** DFI-Bkg 73.03 (2) of the administrative code is amended to read:

DFI-Bkg 73.03 (2) FORMS TO BE APPROVED. All agreements, contracts, form letters or any other form whatsoever to be used by licensee in conducting its business shall be submitted ~~in duplicate to the administrator of the division of banking for approval, and no such form or agreement shall be used until approved. A folder containing the file copy of all approved forms including the approved schedule of irregular office hours, if any, must be maintained in the licensed office in the order in which the forms were approved.~~

**SECTION 30.** DFI-Bkg 73.03 (7) of the administrative code is repealed.

**SECTION 31.** DFI-Bkg 73.05 (4) and (5) of the administrative code are amended to read:

DFI-Bkg 73.05 (4) Licensee's trust and operating bank accounts for creditor disbursements should be reconciled monthly with the canceled check together with voided or unused checks filed in numerical order after the

monthly statement has been reconciled. The numerically numbered check stubs corresponding with all trust account and operating account checks shall be maintained in the office of licensee. All accounts shall be made available for reviewing ~~in the office of administrator of~~ by the division of banking.

(5) It is not intended that the information required to be furnished in sub. (1) be retained in the same chronological order. The records of licensees may vary in the event that data processing procedures are adopted which will prevent the licensee from maintaining certain records required above. ~~The office of administrator of the division of banking may approve of the records to be maintained as long as adequate information is available for examination purposes.~~

**SECTION 32.** DFI-Bkg 74.07 (1) (b) and (c) of the administrative code are amended to read:

DFI-Bkg 74.07 (1) (b) A ledger record consisting of asset and liability accounts including a continuous record of all physical assets such as furniture, fixtures and office equipment.

(c) A ledger record of income and expenses.

**SECTION 33.** DFI-Bkg 74.08 of the administrative code is repealed.

**SECTION 34.** DFI-Bkg 74.11 (2) (d) of the administrative code is amended to read:

DFI-Bkg 74.11 (2) (d) A fee not to exceed the lesser of \$25 or 3% of the payment amount, not including the fee, may be added to the account of the debtor when the debtor makes a payment using a credit card or debit card.

**SECTION 35.** DFI-Bkg 74.13 (1) of the administrative code is amended to read:

DFI-Bkg 74.13 (1) Unless the initial communication is written and contains the following notice or the debtor has paid the debt, a licensee shall send the debtor the following notice within 5 days after the initial communication with a debtor: "This collection agency is licensed by the Division of Banking, P.O. Box 7876, Madison, Wisconsin 53707 in the Wisconsin Department of Financial Institutions, [www.wdfi.org](http://www.wdfi.org)." This notice shall be in at least 8 point type and shall be typed or printed on either a collection notice or on the validation of any debt directed to the debtor by the licensee pursuant to Section 809 of the Federal Fair Debt Collection Practices Act.

**SECTION 36.** DFI-Bkg 76.03 of the administrative code is amended to read:

DFI-Bkg 76.03 **Delinquency and deferral charges.** (1) In consumer credit transactions a retail seller may contract for and receive delinquency charges only in accordance with s. 422.203, Stats., and regulations issued by the ~~administrator of the division of banking thereunder.~~

(3) A retail seller may contract for and assess deferral charges only in accordance with s. 422.204, Stats., and regulations issued by the ~~administrator of the division of banking thereunder.~~

**SECTION 37.** DFI-Bkg 76.06 of the administrative code is amended to read:

DFI-Bkg 76.06 **Refinancing.** Upon refinancing a retail installment contract prior to its maturity the customer shall receive as of the date of the refinancing a rebate of the unearned finance charge pursuant to the provisions of s. DFI-Bkg 76.04, except that for the purposes of computing this amount no minimum finance charge shall be allowed in consumer credit transactions. ~~The rate of finance charge upon refinancing shall not exceed the maximum rate applicable to the vehicle under s. 218.0142, Stats., at the time it was originally financed if the creditor is a licensed motor vehicle dealer. Otherwise, the maximum rate shall not exceed the rate at which the creditor could loan the refinanced balance to the customer.~~

**SECTION 38.** DFI-Bkg 76.07 of the administrative code is amended to read:

DFI-Bkg 76.07 **Consolidation.** Upon consolidation of the unpaid balance of a retail installment contract for the purchase of a motor vehicle with the unpaid balance of any other transaction for the purchase of a motor vehicle, the customer shall receive a rebate of the unearned finance charge on each retail installment contract pursuant to the provisions of s. DFI-Bkg 76.04, except that for the purposes of computing that amount no minimum finance charge shall be allowed in consumer credit transactions. ~~The rate of finance charge upon consolidation shall not exceed the maximum rate under s. 218.0142, Stats., applicable to the vehicle most recently purchased if the creditor is a licensed motor vehicle dealer. Otherwise the maximum rate shall not exceed the rate at which the creditor could loan the consolidated balance to the customer.~~

**SECTION 39.** DFI-Bkg 76.09 (2) (intro.) and (b) (intro.) of the administrative code are amended to read:

DFI-Bkg 76.09 (2) (intro.) Each motor vehicle sales finance company shall in connection with each transaction evidenced by a retail installment contract retained by such sales finance company for a period of more than 30 days, maintain a written ledger card or record which shall include the following:

(b) (intro.) Paid accounts. In addition to the information required above the written ledger record or ledger card shall include:

**SECTION 40.** DFI-Bkg 76.11 (1) of the administrative code is amended to read:

DFI-Bkg 76.11 (1) "Business license" means a license issued by the administrator of the division of banking under ch. 218, Stats., to a motor vehicle dealer.

**SECTION 41.** DFI-Bkg 76.11 (2) of the administrative code is repealed.

**SECTION 42.** DFI-Bkg 76.12 (1) (a) (intro.) and (b) (intro.) of the administrative code are amended to read:

DFI-Bkg 76.12 (1) (a) *General licensing period and expiration dates.* (intro.) The license period for business

licenses is 2 years. The administrator of the division of banking shall issue business licenses that start and expire on the following dates:

(b) *Initial licenses.* (intro.) The administrator of the division of banking may issue initial licenses that go into effect on dates other than the first day of an even-numbered month. The licenses may expire before the end of 2 years, and their expiration dates may be assigned as follows:

**SECTION 43.** DFI-Bkg 76.12 (2) of the administrative code is amended to read:

DFI-Bkg 76.12 (2) LICENSES RUN CONCURRENTLY. A motor vehicle or mobile home license to operate as a sales finance company will be issued to run concurrently with the department of transportation dealer licenses.

**SECTION 44.** DFI-Bkg 76.13 of the administrative code is amended to read:

DFI-Bkg 76.13 **License fees.** (1) The administrator of the division of banking shall collect fees based on the statutory formulas described in s. 218.0114 (15), Stats., and elsewhere, which is the number of years in a licensing period multiplied by the current annual fee of \$50. If the dealer originates and carries or retains time sales contracts for more than 30 days in a total amount exceeding \$100,000, a bill will be issued for additional business license fees due based upon the schedule of fees in s. 218.0114 (16), Stats.

(2) When the administrator of the division of banking issues an initial license for a period less than 2 years, it may reduce the business license fees by the same proportion as the reduction in the business license period.

**SECTION 45.** DFI-CU 63.07 (2) (a) (intro.) of the administrative code is amended to read:

DFI-CU 63.07 (2) (a) (intro.) The liability of a customer of a credit union for the unauthorized use of a plastic card or other means providing the customer access device to a remote terminal may not exceed the lesser of the following shall be determined as follows:

**SECTION 46.** DFI-CU 63.07 (2) (a) 1. and 2. of the administrative code are repealed.

**SECTION 47.** DFI-CU 63.07 (2) (a) 3., 4., 5., 6., 7. and 8. of the administrative code are created to read:

DFI-CU 63.07 (2) (a) 3. If the customer notifies the credit union within 2 business days after learning of the unauthorized use or of loss or theft of the plastic card or other access device, the customer's liability may not exceed the lesser of \$50 or the amount of unauthorized transfers that occur before notice to the credit union.

4. If the customer fails to notify the credit union within 2 business days after learning of the unauthorized use or of loss or theft of the plastic card or other access device, the customer's liability may not exceed the lesser of \$500 or the sum of all of the following:

a. \$50 or the amount of unauthorized transfers that occur within the 2 business days, whichever is less.

b. The amount of unauthorized transfers that occur after the close of 2 business days and before notice to the credit union, if the credit union establishes that these transfers would not have occurred had the customer notified the credit union within that 2-day period.

5. A customer must report an unauthorized transfer from the unauthorized use of a plastic card or other access device to a remote terminal that appears on a periodic statement within 60 days of the credit union's transmittal of the statement to avoid liability for subsequent transfers. If the customer fails to do so, the customer's liability may not exceed the amount of the unauthorized transfers that occur after the close of the 60 days and before notice to the credit union and that the credit union establishes would not have occurred had the customer notified the credit union within the 60-day period. When a plastic card or other access device is involved in the unauthorized transfer, the customer may be liable for other amounts set forth in subd. 3. or 4., as applicable.

6. If the customer's delay in notifying the credit union as provided in subd. 5. was due to extenuating circumstances, the credit union shall extend the time specified in subd. 5. to a reasonable period.

7. a. Notice to a credit union is given when a customer takes steps reasonably necessary to provide the credit union with the pertinent information, whether or not a particular employee or agent of the credit union actually receives the information.

b. A customer may notify the credit union in person, by telephone, or in writing.

c. Written notice is considered given at the time the customer mails the notice or delivers it for transmission to the credit union by any other usual means. Notice may be considered constructively given when the credit union becomes aware of circumstances leading to the reasonable belief that an unauthorized transfer to or from the customer's account has been or may be made.

8. If an agreement between the customer and the credit union imposes less liability than is provided by this section, the customer's liability may not exceed the amount imposed under the agreement.

**SECTION 48.** DFI-CU 63.07 (2) (b) of the administrative code is amended to read:

DFI-CU 63.07 (2) (b) A customer furnishing another person with a plastic card or other means of access device to the customer's account through a remote terminal shall be deemed to authorize all transactions that may be accomplished by that means, until the customer has given actual notice to the credit union that further transactions are unauthorized.

**SECTION 49.** DFI-CU 63.08 (2) (intro.) of the administrative code is amended to read:

DFI-CU 63.08 (2) TRANSACTION DOCUMENTATION. (intro.) Every Except as provided in sub. (4), every transfer of funds through a remote terminal made by a customer of a credit union shall be evidenced by a written

document made available to the customer at the time of the transaction. The document shall indicate with reasonable specificity the identity of any third party to whom funds are electronically transferred, the identity of the customer's account, the amount of funds transferred, the type of transaction, and the date of the transaction. A customer may be required to reenter an access device, such as a card, at a terminal in order to receive transaction documentation if all of the following conditions are met:

**SECTION 50.** DFI-CU 63.08 (4) of the administrative code is created to read:

DFI-CU 63.08 (4) EXCEPTION FOR WRITTEN DOCUMENT IN SMALL-VALUE TRANSFERS. A credit union is not subject to the requirement to make available a written document under sub. (2) if the amount of the transfer is \$15 or less.

**SECTION 51.** DFI-CU 63.09 of the administrative code is repealed.

**SECTION 52.** DFI-SB 12.07 (2) (a) (intro.) of the administrative code is amended to read:

DFI-SB 12.07 (2) (a) (intro.) The liability of a customer of a savings bank for the unauthorized use of a plastic card or other means providing the customer access device to a remote service unit ~~may not exceed the lesser of the following~~ shall be determined as follows:

**SECTION 53.** DFI-SB 12.07 (2) (a) 1. and 2. of the administrative code are repealed.

**SECTION 54.** DFI-SB 12.07 (2) (a) 3., 4., 5., 6., 7. and 8. of the administrative code are created to read:

DFI-SB 12.07 (2) (a) 3. If the customer notifies the savings bank within 2 business days after learning of the unauthorized use or of loss or theft of the plastic card or other access device, the customer's liability may not exceed the lesser of \$50 or the amount of unauthorized transfers that occur before notice to the savings bank.

4. If the customer fails to notify the savings bank within 2 business days after learning of the unauthorized use or of loss or theft of the plastic card or other access device, the customer's liability may not exceed the lesser of \$500 or the sum of all of the following:

a. \$50 or the amount of unauthorized transfers that occur within the 2 business days, whichever is less.

b. The amount of unauthorized transfers that occur after the close of 2 business days and before notice to the savings bank, if the savings bank establishes that these transfers would not have occurred had the customer notified the savings bank within that 2-day period.

5. A customer must report an unauthorized transfer from the unauthorized use of a plastic card or other access device to a remote service unit that appears on a periodic statement within 60 days of the savings bank's transmittal of the statement to avoid liability for subsequent transfers. If the customer fails to do so, the customer's liability may not exceed the amount of the unauthorized transfers that occur after the close of the 60 days and before notice to the savings bank and that the savings bank establishes

would not have occurred had the customer notified the savings bank within the 60-day period. When a plastic card or other access device is involved in the unauthorized transfer, the customer may be liable for other amounts set forth in subd. 3. or 4., as applicable.

6. If the customer's delay in notifying the savings bank as provided in subd. 5. was due to extenuating circumstances, the savings bank shall extend the time specified in subd. 5. to a reasonable period.

7. a. Notice to a savings bank is given when a customer takes steps reasonably necessary to provide the savings bank with the pertinent information, whether or not a particular employee or agent of the savings bank actually receives the information.

b. A customer may notify the savings bank in person, by telephone, or in writing.

c. Written notice is considered given at the time the customer mails the notice or delivers it for transmission to the savings bank by any other usual means. Notice may be considered constructively given when the savings bank becomes aware of circumstances leading to the reasonable belief that an unauthorized transfer to or from the customer's account has been or may be made.

8. If an agreement between the customer and the savings bank imposes less liability than is provided by this section, the customer's liability may not exceed the amount imposed under the agreement.

**SECTION 55.** DFI-SB 12.07 (2) (b) of the administrative code is amended to read:

DFI-SB 12.07 (2) (b) A customer furnishing another person with the plastic card or other means providing access device to the customer's account through a remote service unit shall be deemed to authorize all transactions that may be accomplished by that means until the customer has given actual notice to the savings bank that further transactions are unauthorized.

**SECTION 56.** DFI-SB 12.08 (2) (intro.) of the administrative code is amended to read:

DFI-SB 12.08 (2) TRANSACTION DOCUMENTATION. (intro.) ~~Every~~ Except as provided in sub. (4), every transfer of funds made through a remote service unit by a customer of a savings bank shall be evidenced by a written document made available to the customer at the time of the transaction. The document shall indicate with reasonable specificity the identity of any third party to whom funds are electronically transferred, the identity of the customer's account, the amount of funds transferred, the type of transaction and the date of the transaction. A customer may be required to reenter an access device, such as a card, at a terminal in order to receive transaction documentation if all the following conditions are met:

**SECTION 57.** DFI-SB 12.08 (4) of the administrative code is created to read:

DFI-SB 12.08 (4) EXCEPTION FOR WRITTEN DOCUMENT IN SMALL-VALUE TRANSFERS. A savings bank is not subject to the requirement to make available a written

document under sub. (2) if the amount of the transfer is \$15 or less.

**SECTION 58.** DFI-SB 12.09 of the administrative code is repealed.

**SECTION 59.** DFI-SL 12.07 (2) (a) (intro.) of the administrative code is amended to read:

DFI-SL 12.07 (2) (a) (intro.) The liability of a customer of an association for the unauthorized use of a plastic card or other means ~~providing the customer access device~~ to a remote service unit ~~may not exceed the lesser of the following~~ shall be determined as follows:

**SECTION 60.** DFI-SL 12.07 (2) (a) 1. and 2. of the administrative code are repealed.

**SECTION 61.** DFI-SL 12.07 (2) (a) 3., 4., 5., 6., 7. and 8. of the administrative code are created to read:

DFI-SL 12.07 (2) (a) 3. If the customer notifies the association within 2 business days after learning of the unauthorized use or of loss or theft of the plastic card or other access device, the customer's liability may not exceed the lesser of \$50 or the amount of unauthorized transfers that occur before notice to the association.

4. If the customer fails to notify the association within 2 business days after learning of the unauthorized use or of loss or theft of the plastic card or other access device, the customer's liability may not exceed the lesser of \$500 or the sum of all of the following:

a. \$50 or the amount of unauthorized transfers that occur within the 2 business days, whichever is less.

b. The amount of unauthorized transfers that occur after the close of 2 business days and before notice to the association, if the association establishes that these transfers would not have occurred had the customer notified the association within that 2-day period.

5. A customer must report an unauthorized transfer from the unauthorized use of a plastic card or other access device to a remote service unit that appears on a periodic statement within 60 days of the association's transmittal of the statement to avoid liability for subsequent transfers. If the customer fails to do so, the customer's liability may not exceed the amount of the unauthorized transfers that occur after the close of the 60 days and before notice to the association and that the association establishes would not have occurred had the customer notified the association within the 60-day period. When a plastic card or other access device is involved in the unauthorized transfer, the customer may be liable for other amounts set forth in subd. 3. or 4., as applicable.

6. If the customer's delay in notifying the association as provided in subd. 5. was due to extenuating circumstances, the association shall extend the time specified in subd. 5. to a reasonable period.

7. a. Notice to an association is given when a customer takes steps reasonably necessary to provide the association with the pertinent information, whether or not a particular employee or agent of the association actually receives the information.

b. A customer may notify the association in person, by telephone, or in writing.

c. Written notice is considered given at the time the customer mails the notice or delivers it for transmission to the association by any other usual means. Notice may be considered constructively given when the association becomes aware of circumstances leading to the reasonable belief that an unauthorized transfer to or from the customer's account has been or may be made.

8. If an agreement between the customer and the association imposes less liability than is provided by this section, the customer's liability may not exceed the amount imposed under the agreement.

**SECTION 62.** DFI-SL 12.07 (2) (b) of the administrative code is amended to read:

DFI-SL 12.07 (2) (b) A customer furnishing another person with the plastic card or other means providing access device to the customer's account through a remote service unit shall be deemed to authorize all transactions that may be accomplished by that means until the customer has given actual notice to the association that further transactions are unauthorized.

**SECTION 63.** DFI-SL 12.08 (2) (intro.) of the administrative code is amended to read:

DFI-SL 12.08 (2) TRANSACTION DOCUMENTATION. (intro.) Every Except as provided in sub. (4), every trans-

fer of funds made through a remote service unit by a customer of an association shall be evidenced by a written document made available to the customer at the time of the transaction. The document shall indicate with reasonable specificity the identity of any third party to whom funds are electronically transferred, the identity of the customer's account, the amount of funds transferred, the type of transaction and the date of the transaction. A customer may be required to reenter an access device, such as a card, at a terminal in order to receive transaction documentation if all the following conditions are met:

**SECTION 64.** DFI-SL 12.08 (4) of the administrative code is created to read:

DFI-SL 12.08 (4) EXCEPTION FOR WRITTEN DOCUMENT IN SMALL-VALUE TRANSFERS. An association is not subject to the requirement to make available a written document under sub. (2) if the amount of the transfer is \$15 or less.

**SECTION 65.** DFI-SL 12.09 of the administrative code is repealed.

**SECTION 66. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) The treatment of section 35.93 (2) (b) 4. and (c) 1. and (3) (e) (intro.) and 1. of the statutes takes effect on January 1, 2015.