



2009 ASSEMBLY BILL 261

May 8, 2009 – Introduced by Representatives BERNARD SCHABER, POCAN, BERCEAU, BLACK, BROOKS, CLARK, CULLEN, DEXTER, GRIGSBY, GUNDERSON, HEBL, HIXSON, KAUFERT, KESTELL, MASON, MOLEPSKE JR., NASS, MILROY, A. OTT, PARISI, PASCH, POPE-ROBERTS, PETROWSKI, RICHARDS, ROYS, SEIDEL, SINICKI, SMITH, STEINBRINK, TOLES, TOWNSEND, VAN AKKEREN, VOS, A. WILLIAMS, ZEPNICK and ZIGMUNT, cosponsored by Senators LEHMAN, CARPENTER, HANSEN, LASSA, PLALE, RISSER, SCHULTZ, TAYLOR, WIRCH and COGGS. Referred to Committee on Consumer Protection.

1 **AN ACT** *to create* 100.315 of the statutes; **relating to:** soliciting purchases of
2 goods or services using unsolicited checks or money orders and providing a
3 penalty.

Analysis by the Legislative Reference Bureau

This bill prohibits soliciting the purchase of goods or services by the delivery to a recipient in this state of a document that is or appears to be a check or money order payable to the recipient, if the endorsement of the document purports to bind the recipient to purchasing goods or services and the recipient did not request the delivery of the document. Under the bill, the Department of Agriculture, Trade and Consumer Protection may bring an action against a violator for a forfeiture of \$100 per solicitation, except that the forfeiture may not exceed \$10,000 for each seven-day period in which the person commits a violation.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

4 **SECTION 1.** 100.315 of the statutes is created to read:
5 **100.315 Solicitation of contract using check or money order.** (1) In this
6 section, “check” has the meaning given in s. 217.02 (2).

