



2003 ASSEMBLY BILL 407

June 12, 2003 - Introduced by Representatives MUSSER, BOYLE, BIES, SCHNEIDER, PETTIS, GRONEMUS, KREIBICH, TRAVIS, SUDER, FREESE, McCORMICK, MORRIS, GUNDERSON, TURNER, KESTELL, HINES, VRAKAS, KRAWCZYK, M. LEHMAN, SERATTI, AINSWORTH, BLACK, OWENS, NASS, HUBER, VAN ROY, HAHN, LADWIG, CULLEN, OTT and MILLER, cosponsored by Senators SCHULTZ, HANSEN, WIRCH, ROESSLER and CARPENTER. Referred to Committee on Veterans and Military Affairs.

- 1 **AN ACT** *to create* 45.53 (1m) of the statutes; **relating to:** termination of motor
2 vehicle leases by persons in active service in the U.S. armed forces.

Analysis by the Legislative Reference Bureau

Under current law, if a person is called into active service for 30 days or more in the national guard or the state defense force under an order of the governor, that person may terminate a lease on real property. If the lease calls for monthly payments, under current law, the termination is effective 30 days after the first day on which the next rental payment is due and the national guard member is required to pay the rent up to that date. Currently, if the lease calls for payments other than monthly, the termination is effective on the last day of the month after the month in which the notice is given, and the national guard member is required to pay the rent up to that date. The landlord is required to refund any rent paid in advance that applies to the period after termination. Currently, a court may modify the relief granted to the service member as the court determines appropriate.

These provisions are similar to the protections provided under federal law to persons in active duty in the U.S. armed forces, but federal law does not provide these protections regarding motor vehicle leases. This bill provides the same protections regarding leases of motor vehicles for a person who is in active service in the U.S. armed forces.

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

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1 **SECTION 1.** 45.53 (1m) of the statutes is created to read:

2 45.53 **(1m)** (a) This subsection applies to a lease to which all of the following
3 apply:

4 1. The lease was executed by or on behalf of a person in military service who
5 entered active service after the lease was executed.

6 2. The lease transfers the right of possession and use by the person in military
7 service and his or her dependents of a motor vehicle primarily for a personal, family,
8 household, business, or agricultural purpose, for a period of time exceeding 4 months.

9 (b) This subsection does not apply to a credit sale, as defined under 12 CFR
10 226.2 (a) (16).

11 (c) The provisions of s. 429.207 do not apply to leases described in par. (a).

12 (d) A lease to which this subsection applies may be terminated by the person
13 in military service at any time during the person's period of active service by giving
14 notice in writing by personal delivery or first class mail to the lessor or the lessor's
15 agent.

16 (e) If the lease provides for monthly payments, termination shall be effective
17 30 days after the first date on which the next payment is due and payable after the
18 date on which the notice is delivered or mailed. If the lease provides for payments
19 other than monthly, termination shall be effective on the last day of the month after
20 the month in which the notice was delivered or mailed.

21 (f) Any unpaid amount for the period preceding termination shall be computed
22 on a prorated basis.

23 (g) The lessor or the lessor's agent shall refund to the person in military service
24 any amount paid in advance that applies to the period after termination.

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1 (h) Upon application of a lessor after receiving notice under this subsection and
2 before the lease termination date provided for in this subsection, a court may make
3 any modifications to or restrictions on the relief granted in this subsection as the
4 court determines are appropriate under the circumstances.

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(END)