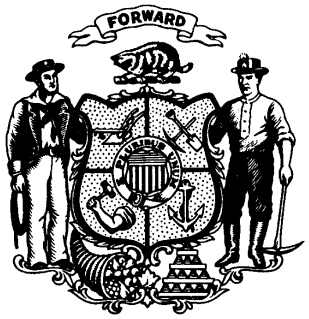
State of Wisconsin



Date of enactment: **June 12, 1998**
1997 Assembly Bill 361 Date of publication*: **June 25, 1998**

1997 WISCONSIN ACT 279

AN ACT ***to create*** 402.326 (3) (d) and 402.326 (5) of the statutes; **relating to:** "sale or return" or consignment sales under the uniform commercial code.

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

SECTION 1. 402.326 (3) (d) of the statutes is created to read:

402.326 **(3)** (d) Delivers goods that the person making delivery used, or bought for use, for personal, family or household purposes.

SECTION 2. 402.326 (5) of the statutes is created to read:

402.326 **(5)** If a person delivers or consigns for sale goods that the person used, or bought for use, for personal, family or household purposes, these goods do not become the property of the deliveree or consignee unless the deliveree or consignee purchases and fully pays for the goods. This subsection does not prevent the deliveree or consignee from acting as the deliverer's or consignor's agent to transfer title to these goods to a buyer who pays the full purchase price. Any payment received by the deliveree or consignee from a buyer of these goods, less any amount that the deliverer or consignor expressly agreed could be deducted from the payment for commissions, fees or expenses, is the property of the deliveror or consignor and is not subject to the claims of the deliveree's or consignee's creditors.

SECTION 3. Initial applicability.

(1) This act first applies to goods delivered on the effective date of this subsection.

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* Section 991.11, WISCONSIN STATUTES 1995–96: 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 as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].