



## 1995 ASSEMBLY BILL 364

May 10, 1995 - Introduced by Representatives WOOD, SERATTI, BRANDEMUEHL, GROBSCHMIDT, PLACHE, MEYER, RYBA, OTT, KLUSMAN, WIRCH, GROTHMAN, KREIBICH, LAZICH, F. LASEE and UNDERHEIM, cosponsored by Senators WEEDEN, C. POTTER, ZIEN and BUETTNER. Referred to Committee on Criminal Justice and Corrections.

1 **AN ACT to amend** 943.21 (title), 943.21 (1) (intro.), 943.21 (3) (a), 943.21 (3) (b),  
2 943.212 (title), 943.212 (1) (a) and 943.212 (4); and **to create** 943.21 (1) (c) and  
3 943.21 (2m) of the statutes; **relating to:** failure to pay for taxicab service.

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### *Analysis by the Legislative Reference Bureau*

Current law provides criminal penalties for persons convicted of intentionally absconding without paying for beverage, food, lodging or other service or accommodation at a hotel, motel, campground, boarding or lodging house or restaurant. Upon conviction, the violator may be fined not more than \$10,000 or imprisoned for not more than 9 months or both. The maximum term of imprisonment increases to 2 years if the value of the service or accommodation exceeds \$1,000. Also, a special civil action procedure is available for victims of these crimes. This bill provides the same criminal penalties for persons who intentionally abscond without paying for taxicab service and provides the same special civil action procedure for victims of the crime.

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

4 **SECTION 1.** 943.21 (title) of the statutes is amended to read:  
5 **943.21 (title) Fraud on hotel or restaurant keeper or taxicab operator.**  
6 **SECTION 2.** 943.21 (1) (intro.) of the statutes is amended to read:  
7 943.21 (1) (intro.) Whoever does either any of the following may be penalized  
8 as provided in sub. (3):

1           **SECTION 3.** 943.21 (1) (c) of the statutes is created to read:

2           943.21 (1) (c) Having obtained any transportation service from a taxicab  
3 operator, intentionally absconds without paying for the service.

4           **SECTION 4.** 943.21 (2m) of the statutes is created to read:

5           943.21 (2m) The refusal to pay a taxicab operator the established charge for  
6 transportation service provided by the operator constitutes prima facie evidence of  
7 an intent to abscond without payment.

8           **SECTION 5.** 943.21 (3) (a) of the statutes is amended to read:

9           943.21 (3) (a) Is guilty of a Class A misdemeanor when the value of any  
10 beverage, food, lodging, accommodation, transportation or other service is \$1,000 or  
11 less.

12           **SECTION 6.** 943.21 (3) (b) of the statutes is amended to read:

13           943.21 (3) (b) Is guilty of a Class E felony when the value of any beverage, food,  
14 lodging, accommodation, transportation or other service exceeds \$1,000.

15           **SECTION 7.** 943.212 (title) of the statutes is amended to read:

16           **943.212 (title) Fraud on hotel or restaurant keeper or taxicab operator;**  
17 **civil liability.**

18           **SECTION 8.** 943.212 (1) (a) of the statutes is amended to read:

19           943.212 (1) (a) The retail value of the beverage, food, lodging, accommodation,  
20 transportation or service involved in the violation. A person may recover under this  
21 paragraph only if he or she exercises due diligence in demanding payment for the  
22 beverage, food, lodging, accommodation, transportation or service.

23           **SECTION 9.** 943.212 (4) of the statutes is amended to read:

24           943.212 (4) At least 20 days prior to commencing an action, as specified in s.  
25 801.02, under this section, the plaintiff shall notify the defendant, by mail, of his or

1 her intent to bring the action and of the acts constituting the basis for the violation  
2 of s. 943.21. The plaintiff shall send the notice by regular mail supported by an  
3 affidavit of service of mailing or by a certificate of mailing obtained from the U.S. post  
4 office from which the mailing was made. The plaintiff shall mail the notice to the  
5 defendant's last-known address or to the address provided on the check or order. If  
6 the defendant pays the amount due for the beverage, food, lodging, accommodation,  
7 transportation or service prior to the commencement of the action, he or she is not  
8 liable under this section.

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**(END)**