



2005 ASSEMBLY BILL 786

October 25, 2005 - Introduced by Representatives ZEPNICK, LEHMAN, SHILLING, SEIDEL, SHERIDAN, POCAN, SINICKI and TOLES, cosponsored by Senators HANSEN, DECKER, CARPENTER, TAYLOR, LASSA, RISSER and ERPENBACH, by request of Attorney General Peggy A. Lautenschlager. Referred to Committee on Judiciary.

1 **AN ACT to amend** 100.26 (4m); and **to create** 100.54 of the statutes; **relating**
2 **to:** prohibiting charging grossly excessive prices for consumer goods and
3 services and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill prohibits charging for consumer goods or services a wholesale or retail price that grossly exceeds the price at which similar goods or services are sold or that grossly exceeds the average price at which similar consumer goods or services were sold in the 12-month period immediately preceding a sale of the goods or services. Under the bill, "consumer goods or services" means goods or services typically used for personal, family, or household purposes, including emergency and medical supplies, transportation, freight and storage services, motor vehicle fuels, consumer food items, home heating oil, building materials, housing, personal investment opportunities, personal business opportunities, and personal training courses. "Consumer goods or services" does not include investment or business opportunities or training courses, when offered to a business; real estate, except cemetery lots or time shares; or certain pay-per-call services or newspaper subscriptions.

Under the bill, the attorney general investigates violations of, and enforces, the provisions of the bill.

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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:

1 **SECTION 1.** 100.26 (4m) of the statutes is amended to read:

2 100.26 (4m) Any person who violates s. 100.18 (10r) or 100.54 is subject to a
3 civil forfeiture of not less than \$100 nor more than \$10,000 for each violation.

4 **SECTION 2.** 100.54 of the statutes is created to read:

5 **100.54 Grossly excessive prices for consumer products prohibited. (1)**

6 In this section, “consumer goods or services” means goods or services typically used
7 for personal, family, or household purposes. “Consumer goods or services” includes
8 emergency and medical supplies, transportation, freight and storage services, motor
9 vehicle fuels, consumer food items, home heating oil, building materials, housing, a
10 personal investment opportunity, a personal business opportunity, or a personal
11 training course, but does not include any of the following:

12 (a) An investment opportunity, business opportunity, or training course, when
13 offered to a business.

14 (b) Real estate, except a time share as defined in s. 707.02 (24) or a cemetery
15 lot.

16 (c) A pay-per-call service, unless the sale of the service violates s. 196.208.

17 (d) A newspaper subscription, if the consumer may cancel the subscription at
18 any time without penalty.

19 **(2)** No person may charge a wholesale or retail price for consumer goods or
20 services that grossly exceeds the price at which similar goods or services are sold or
21 that grossly exceeds the average price at which similar consumer goods or services

