



1995 ASSEMBLY BILL 864

February 7, 1996 - Introduced by LAW REVISION COMMITTEE. Referred to Committee on Consumer Affairs.

1 **AN ACT to repeal** 133.02 (2); and **to amend** 133.05 (2) and 133.05 (3) of the
2 statutes; **relating to:** knowledge of unfair trade practices.

Analysis by the Legislative Reference Bureau

Under current law, certain benefits such as secret payments and unearned discounts that are not extended to all purchasers who are purchasing under like terms and conditions are unfair trade practices and are prohibited. In *Carlson & Erickson v. Lampert Yards*, 183 Wis. 2d, 220, 515 N.W. 2d 305 (Ct. App. 1994), the court of appeals determined that knowledge that a benefit is prohibited is a necessary element in determining whether a buyer has engaged in an unfair trade practice. This bill codifies this court decision.

For further information, see the NOTES provided by the law revision committee of the joint legislative council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is introduced by the law revision committee under s. 13.83 (1) (c), stats. After careful consideration of the court of appeals decision in *Carlson & Erickson v. Lampert Yards*, 183 Wis. 2d, 220, 515 N.W. 2d 305 (Ct. App. 1994), the law revision committee has determined that codifying this decision is desirable as a matter of public policy.

3 **SECTION 1.** 133.02 (2) of the statutes is repealed.

4 **SECTION 2.** 133.05 (2) of the statutes is amended to read:

5 133.05 (2) No person may offer, extend, induce, solicit or receive anything of
6 value which the person knows is prohibited under sub. (1).

