

**1999 DRAFTING REQUEST**

**Bill**

Received: **01/21/99**

Received By: **nelsorp1**

Wanted: **Soon**

Identical to LRB:

For: **David Hutchison (608) 266-5350**

By/Representing: **Ron Sklansky, LC**

This file may be shown to any legislator: **NO**

Drafter: **nelsorp1**

May Contact:

Alt. Drafters: **rkite**

Subject: **Trade Regulation  
Courts - miscellaneous**

Extra Copies: **JTK, JEO, Ron Sklansky, Leg**

**Topic:**

Regulation of year 200 readiness statements

**Instructions:**

See 99-1885

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	nelsorp1 01/21/99	gilfokm 01/21/99		_____			
/1			jfrantze 01/22/99	_____	lrb_docadmin 01/22/99	lrb_docadmin 01/22/99	

FE Sent For:

*Not Needed*

<END>

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1?	nelsorp1	1-1-21-99 Amg	1/22	1/22			

FE Sent For:

<END>

1/25 am

1999 - 2000 LEGISLATURE

1920/1

LRB-1885/2

RNK&RPN:kmg:ijs



## 1999 BILL

1 **AN ACT to repeal** 20.115 (1) (d); **to amend** 814.04 (intro.); and **to create** 20.115  
2 (1) (d) and 100.261 of the statutes; **relating to:** untrue, deceptive or misleading  
3 statements in connection with the ability of an electronic computing device to  
4 process, transmit or receive date data from, into and between the 20th and 21st  
5 centuries, and during the years 1999 and 2000, and from leap year calculations,  
6 making an appropriation and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

This bill prohibits a person from making any statement or representation with regard to the year 2000 readiness of an electronic computing device which is false, misleading or deceptive. Under the bill, it is false, misleading or deceptive to state or represent that an electronic computing device is able to process, transmit or receive date data from, into and between the 20th and 21st centuries and during the years 1999 and 2000, and from leap year calculations if the electronic computing device cannot do so without modification or alteration.

A person who violates this prohibition may be subject to a forfeiture (civil monetary penalty) of not less than \$100 nor more than \$10,000. In addition, a person adversely affected by the false, misleading or deceptive statement or representation may bring an action for relief and may be awarded one or more of the following: damages of not less than \$500 nor more than twice the amount of actual damages; injunctive or declaratory relief; specific performance; and reasonable attorney fees.



**BILL**

1           **SECTION 3.** 20.115 (1) (d) of the statutes, as created by 1999 Wisconsin Act ...  
2 (this act), is repealed.

3           **SECTION 4.** 100.261 of the statutes is created to read:

4           **100.261 Year 2000 readiness. (1) DEFINITIONS.** In this section:

5           (a) “Electronic computing device” means any computer hardware or software,  
6 computer chip, embedded chip, process control equipment, or other information  
7 system used to capture, store, manipulate, or process information, or that controls,  
8 monitors, or assists in the operation of physical apparatus that relies on automation  
9 or digital technology to function.

10          (b) “Process” includes calculate, compare, sequence, display and store.

11          (c) “Year 2000 readiness” means the ability to process, transmit or receive date  
12 data from, into and between the 20th and 21st centuries, and during the years 1999  
13 and 2000, and from leap year calculations.

14          **(2) ADVERTISING AND SALES REPRESENTATIONS.** A person may not make any  
15 statement or representation with regard to the year 2000 readiness of an electronic  
16 computing device which is false, misleading or deceptive, or which omits material  
17 information with respect to the year 2000 readiness of an electronic computing  
18 device that is necessary to make the statement not false, misleading or deceptive.  
19 For the purpose of this subsection, it is false, misleading or deceptive to state or  
20 represent that an electronic computing device is able to process, transmit or receive  
21 date data from, into and between the 20th and 21st centuries and during the years  
22 1999 and 2000, and from leap year calculations if the electronic computing device  
23 cannot do so without modification or alteration.

24          **(3) INFORMATION ON YEAR 2000 READINESS.** The department may request  
25 information about the year 2000 readiness of an electronic computing device from

**BILL****SECTION 4**

1 any person who sells or offers to sell or who has ever sold or offered to sell an  
2 electronic computing device to a person in this state.

3 (4) REMEDIES AND PENALTIES. (a) 1. If a person makes a statement or  
4 representation in violation of sub. (2), any other person adversely affected by that  
5 violation has a claim for appropriate relief, including not less than \$500 nor more  
6 than twice the amount of damages, injunctive or declaratory relief, specific  
7 performance and rescission.

8 2. If a person fails to respond to an information request about the year 2000  
9 readiness of an electronic computing device by the department under sub. (3) or if the  
10 person provides information to the department in response to a request about the  
11 year 2000 readiness of an electronic computing device under sub. (3) that is false,  
12 misleading or deceptive, then any person adversely affected by the failure of that  
13 electronic computing device to process, transmit or receive date data from, into and  
14 between the 20th and 21st centuries and during the years 1999 and 2000, and from  
15 leap year calculations has a claim for appropriate relief, including not less than \$500  
16 nor more than twice the amount of damages, injunctive or declaratory relief, specific  
17 performance and rescission against the person who failed to respond to the  
18 department's request or gave the department false, misleading or deceptive  
19 information.

20 3. A person who is entitled to relief under subd. 1. or 2. is also entitled to recover  
21 costs and disbursements, including reasonable attorney fees.

22 (b) 1. The department of agriculture, trade and consumer protection may  
23 request the department of justice to commence, or any district attorney, upon  
24 informing the department of agriculture, trade and consumer protection, may  
25 commence, an action in circuit court in the name of the state to restrain by temporary

**BILL**

1 or permanent injunction any violation of sub. (2). In addition to injunctive relief, the  
2 court may award any person twice the amount of any damages suffered because of  
3 a violation of sub. (2).

4 2. The department may exercise its authority under ss. 93.14 to 93.16 and  
5 100.18 (11)(c) to administer this section. The department may subpoena persons and  
6 require the production of books and other documents in a timely manner.

7 (c) Any person who violates sub. (2) or who fails to respond to an information  
8 request made by the department under sub. (3) or who provides information to the  
9 department in response to a request made under sub. (3) that is false, misleading or  
10 deceptive shall forfeit not less than \$100 nor more than \$10,000 for each offense.

11 (d) This section does not preempt the administration or enforcement of this  
12 chapter or ch. 133. Practices in violation of this section may also constitute unfair  
13 methods of competition or unfair trade practices under s. 100.20 (1) or (1t) or  
14 fraudulent representations under s. 100.18 (1) or violate ch. 133.

15 **SECTION 5.** 814.04 (intro.) of the statutes is amended to read:

16 **814.04 Items of costs.** (intro.) Except as provided in ss. 93.20, 100.30 (5m),  
17 106.04 (6) (i) and (6m) (a), 100.261 (4) (a) 3., 115.80 (9), 769.313, 814.025, 814.245,  
18 895.035 (4), 895.75 (3), 895.77 (2), 895.79 (3), 895.80 (3), 943.212 (2) (b), 943.245 (2)  
19 (d) and 943.51 (2) (b), when allowed, costs shall be as follows:

20 **SECTION 6. Nonstatutory provisions.**

21 (1) The authorized FTE positions for the department of agriculture, trade and  
22 consumer protection are increased by 4.0 GPR project positions, to be funded from  
23 the appropriation under section 20.115 (1) (d) of the statutes, as created by this act,  
24 for the purpose of administering and enforcing section 100.261 of the statutes, as  
25 created by this act, and other consumer protection activities relating to the year 2000



**BILL**

1 readiness, as defined in section 100.261 (1) (c) of the statutes, as created by this act,  
2 of an electronic computing device, as defined in section 100.261 (1) (a) of the statutes,  
3 as created by this act for the period ending on June 30, 2001.

4 **SECTION 7. Effective dates.** This act takes effect on the day after publication,  
5 except as follows:

6 (1) The repeal of section 20.115 (1) (d) of the statutes takes effect on July 1,  
7 2001.

8 (END)

**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU  
Legal Section Telephone: 266-3561  
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 1/22/99

To: Representative Hutchison

Relating to LRB drafting number: LRB-1921

Topic

Regulation of year 200 readiness statements

Subject(s)

Trade Regulation, Courts - miscellaneous

1. **JACKET** the draft for introduction

*Rep Hutchison*

in the **Senate** \_\_\_\_\_ or the **Assembly** \_\_\_\_\_ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT**. See the changes indicated or attached \_\_\_\_\_

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction \_\_\_\_\_ ✓

Not Needed

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Robert P. Nelson, Senior Legislative Attorney  
Telephone: (608) 267-7511