

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 76**

February 9, 1999 – Offered by COMMITTEE ON INFORMATION POLICY.

1 **AN ACT** *to amend* 943.70 (2) (b) 3. and 943.70 (2) (b) 4.; and *to create* 100.261
2 of the statutes; **relating to:** computer crimes, untrue, deceptive or misleading
3 statements in connection with the ability of an electronic computing device to
4 process, transmit or receive data from, into and between the 20th and 21st
5 centuries, and during the years 1999 and 2000, and from leap year calculations,
6 and providing a penalty.

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

7 **SECTION 1.** 100.261 of the statutes is created to read:
8 **100.261 Year 2000 readiness. (1) DEFINITIONS.** In this section:
9 (a) “Electronic computing device” means any computer hardware or software,
10 computer chip, embedded chip, process control equipment, or other information
11 system used to capture, store, manipulate, or process information, or that controls,

1 monitors, or assists in the operation of physical apparatus that relies on automation
2 or digital technology to function.

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

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

7 **(2) READINESS STATEMENT.** A person who manufactures or sells an electronic
8 computing device or a product containing an electronic computing device may not
9 offer the device or product for sale in this state unless the manufacturer or seller
10 delivers or hands a written statement to the purchaser, before the sale, indicating
11 the device’s or product’s year 2000 readiness. The statement shall be on white paper,
12 with black type, of a type face easy to read, and the type size shall be no smaller than
13 14 point. The language of the statement shall be identical to the language in the form
14 set forth under this subsection. The manufacturer or seller shall check only one of
15 the boxes on the form set forth in this subsection. The format of the form shall be
16 substantially as follows:

17 **YEAR 2000 READINESS STATEMENT**

18 YES This electronic computing device or product containing an electronic
19 computing device is year 2000 ready.

20 NO This electronic computing device or product containing an electronic
21 computing device is not year 2000 ready.

22 UNKNOWN We do not know if this electronic computing device or product
23 containing an electronic computing device is year 2000 ready.

24 **(3) ADVERTISING AND SALES REPRESENTATIONS.** A person may not make any
25 statement or representation with regard to the year 2000 readiness of an electronic

1 computing device, or a product containing an electronic computing device, which is
2 false, misleading or deceptive, or which omits material information with respect to
3 the year 2000 readiness of the device or product that is necessary to make the
4 statement not false, misleading or deceptive. For the purpose of this subsection, it
5 is false, misleading or deceptive to state or represent that an electronic computing
6 device, or a product containing an electronic computing device, is able to process,
7 transmit or receive data from, into and between the 20th and 21st centuries and
8 during the years 1999 and 2000, and from leap year calculations if the device or
9 product cannot do so without modification or alteration.

10 **(4) INFORMATION ON YEAR 2000 READINESS.** The department may request
11 information about the year 2000 readiness of an electronic computing device, or a
12 product containing an electronic computing device, from any person who sells or
13 offers to sell or who has ever sold or offered to sell an electronic computing device,
14 or a product containing an electronic computing device, to a person in this state.

15 **(5) REMEDIES AND PENALTIES.** (a) 1. The department of agriculture, trade and
16 consumer protection may request the department of justice to commence, or any
17 district attorney, upon informing the department of agriculture, trade and consumer
18 protection, may commence an action in circuit court in the name of the state to
19 restrain by temporary or permanent injunction any violation of sub. (3). In addition
20 to injunctive relief, the court may award any person twice the amount of any
21 damages suffered because of a violation of sub. (3).

22 2. The department may exercise its authority under ss. 93.14 to 93.16 and
23 100.18 (11) (c) to administer this section. The department may subpoena persons and
24 require the production of books and other documents in a timely manner.

1 (b) Any person who violates sub. (2) shall forfeit not less than \$50 nor more than
2 \$200 for each violation of sub. (2).

3 (c) Any person who violates sub. (3) or who fails to respond to an information
4 request made by the department under sub. (4) or who provides information to the
5 department in response to a request made under sub. (4) that is false, misleading or
6 deceptive shall forfeit not less than \$100 nor more than \$10,000 for each offense.

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

11 **SECTION 2.** 943.70 (2) (b) 3. of the statutes is amended to read:

12 943.70 (2) (b) 3. A Class D felony if the damage is greater than \$2,500 ~~or if it~~
13 ~~causes an interruption or impairment of governmental operations or public~~
14 ~~communication, of transportation or of a supply of water, gas or other public service.~~

15 **SECTION 3.** 943.70 (2) (b) 4. of the statutes is amended to read:

16 943.70 (2) (b) 4. A Class C A felony if the offense creates a substantial and
17 unreasonable risk of death or great bodily harm to another or causes an interruption
18 or impairment of governmental operations or public communication, of
19 transportation or of a supply of water, gas or other public service.

20 **SECTION 4. Initial applicability.**

21 (1) YEAR 2000 READINESS. The treatment of section 100.261 of the statutes first
22 applies to electronic computing devices and products containing electronic
23 computing devices sold, and to statements or representations made, on the effective
24 date of this subsection.

