

1999 DRAFTING REQUEST

Bill

Received: 10/26/98

Received By: hubliks

Wanted: As time permits

Identical to LRB:

For: Marlin Schneider (608) 266-0215

By/Representing: himself

This file may be shown to any legislator: NO

Drafter: hubliks

May Contact:

Alt. Drafters:

Subject: Fin. Inst. - miscellaneous

Extra Copies:

Topic:

Disclosure of credit card information

Instructions:

Redraft AB-230 from last session

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>
/?	hubliks 12/9/98	wjackson 12/10/98		_____			
/1			jfrantze 12/10/98	_____	lrb_docadmin 12/10/98	lrb_docadmin 12/10/98	

FE Sent For:

Not Needed

<END>

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1/?	hubliks	1 12/9 JLG, WLJ	12/10	12/10			

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<END>

SEON

9 2000

1997 ASSEMBLY BILL 230

- 0666/1

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March 27, 1997 - Introduced by Representatives SCHNEIDER, HASENOHRL, BLACK, MUSSER, R. YOUNG, JOHNSRUD, NOTESTEIN, GROTHMAN, ZIEGELBAUER, VANDER LOOP, RYBA, BAUMGART, MURAT, HAHN, GUNDERSON, GRONEMUS, KREUSER, BOYLE, SERATTI, R. POTTER and PLALE, cosponsored by Senators WIRCH, DECKER, MOEN and HUELSMAN. Referred to Committee on Consumer Affairs.

REGEN

1 AN ACT to create 138.25 of the statutes; relating to: credit card records and
2 providing a penalty.

Analysis by the Legislative Reference Bureau

Current law is silent regarding a person's authority to sell information about credit cardholders. Under this bill, a person (which includes a corporation) may not sell information about Wisconsin residents that is obtained from credit card transaction records. The bill provides for certain exceptions from this prohibition. First, the bill excepts disclosures to credit reporting agencies for the purpose of preparing a credit report. The bill also contains certain exceptions for disclosing information to affiliates of the issuer and to contractors or agents of the issuer for the purpose of performing functions for or on behalf of the issuer. Persons violating the disclosure provisions created in the bill are subject to a forfeiture of not more than \$10,000 for each violation. The bill also authorizes the department of justice to bring actions in circuit court to enjoin violations of the disclosure provisions.

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

Insert line space

3 SECTION 1. 138.25 of the statutes is created to read:
4 138.25 Credit card records. (1) DEFINITIONS. In this section:
5 (a) "Cardholder" has the meaning given in s. 943.41 (1) (b).

ASSEMBLY BILL 230

SECTION 1

1 (b) "Consumer report" has the meaning given in 15 USC 1681a (d).

2 (c) "Consumer reporting agency" has the meaning given in 15 USC 1681a (f).

3 (d) "Financial transaction card" has the meaning given in s. 943.41 (1) (em).

4 (2) DISCLOSURE PROHIBITED. Except as provided in sub. (3), a person may not
5 disclose to another person, for money or anything else of value, any information or
6 data about a cardholder who is a resident of this state that is obtained by the person
7 from financial transaction card transaction records.

8 (3) EXCEPTIONS. A person may disclose information about a cardholder if any
9 of the following apply:

10 (a) The disclosure is made to a consumer reporting agency for purposes of a
11 consumer report.

12 (b) The disclosure is made to or by persons that are affiliated with the issuer
13 of the financial transaction card by common ownership or control solely for the
14 purpose of performing functions for or on behalf of the issuer. The affiliated person
15 may not disclose any information received pursuant to this paragraph to a person
16 other than the issuer, unless the issuer could make the disclosure under this section.

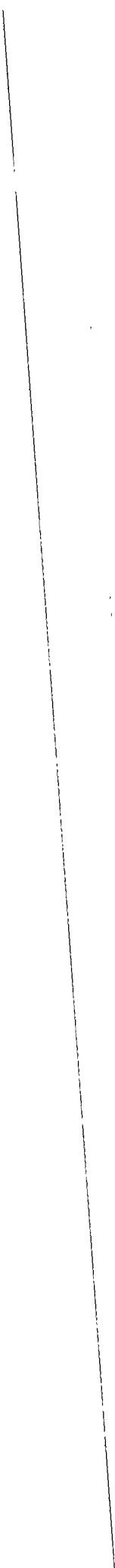
17 (c) ^{STET} ~~If~~ the issuer of the financial transaction card is a retailer, ^{the disclosure is made} to or by contractors
18 or agents of the issuer for the purposes of performing functions for or on behalf of the
19 issuer. The contractor or agent may not disclose any information received pursuant
20 to this paragraph to a person other than the issuer, unless the issuer could make the
21 disclosure under this section.

22 (4) FORFEITURE. A person who violates sub. (2) may be required to forfeit not
23 more than \$10,000 for each violation. Each disclosure of information or data about
24 one cardholder constitutes a separate violation.

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**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: 12/10/98

To: Representative Schneider


Relating to LRB drafting number: LRB-0666

Topic

Disclosure of credit card information

Subject(s)

Fin. Inst. - miscellaneous

1. **JACKET** the draft for introduction _____ 

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 _____.

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.

K. Scott Hubli, Administrative Services Manager
Telephone: (608) 266-0135

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