

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3960/1dn

RJM:wlj:km

November 18, 1999

Senator Chvala:

1. This bill reverses *State v. Victory Fireworks, Inc.*, 1999 Wisc. App. LEXIS 1100, which interpreted the wholesaler exception currently in s. 167.10 (4), stats. The current structure of s. 167.10, stats., contributed to the court's interpretation of the wholesaler exception. In order to make it clear that this bill reverses that decision, I have made a few structural changes to s. 167.10, stats. Please let me know if you do not approve.

2. As drafted, this bill applies to any action for a violation of s. 167.10, stats., that is pending on the effective date of the bill. However, if you do not intend to apply the bill to pending actions, you may want to consider adding a limitation to the wholesaler exception in proposed s. 167.10 (2) (bm), stats., to allow a sale only if the purchaser informs the wholesaler that the fireworks are for use outside of this state. Another option is to require the wholesaler to inform the purchaser that Wisconsin law may prohibit the purchaser from using the fireworks in this state. Please let me know if you do not intend to apply this bill to pending actions or if you desire any other changes to the bill.

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