



1 2. For commercial feeds distributed in this state on or after January 1, 2000,
2 25 2002, a feed inspection fee of 23 cents per ton.

3 **SECTION 1945.** 94.72 (6) (a) 3. of the statutes is created to read:

4 94.72 (6) (a) 3. Beginning on the effective date of this subdivision [revisor
5 inserts date], for commercial feeds distributed in this state a weights and measures
6 inspection fee of 2 cents per ton.

7 **SECTION 1945e.** 94.73 (2) (c) of the statutes is amended to read:

8 94.73 (2) (c) The department may issue an order under par. (a) on a summary
9 basis without prior notice or a prior hearing if the department determines that a
10 summary order is necessary to prevent imminent harm to public health or safety or
11 to the environment. If the recipient of a summary order requests a hearing on that
12 order, the department shall hold a hearing within 10 days after it receives the
13 request unless the recipient agrees to a later hearing date. The department is not
14 required to stay enforcement of a summary order issued under this paragraph
15 pending the outcome of the hearing. If the responsible person prevails after a
16 hearing, the department shall reimburse the responsible person from the
17 appropriation account under s. 20.115 (7) ~~(e)~~ ~~or~~ (wm) for the corrective action costs
18 incurred as the result of the department's order.

19 **SECTION 1945g.** 94.73 (7) (a) of the statutes is amended to read:

20 94.73 (7) (a) The department may make payments to a responsible person who
21 is eligible for reimbursement under sub. (3) if the department has authorized
22 reimbursement to that person under sub. (6). The department shall make payment
23 from the appropriation ~~accounts~~ account under s. 20.115 (7) ~~(e)~~ ~~and~~ (wm), subject to
24 the availability of funds in ~~these~~ that appropriation ~~accounts~~ account. If there are
25 insufficient funds to pay the full amounts authorized under sub. (6) to all eligible

1 responsible persons, the department shall distribute payments in the order in which
2 applications were received, unless the department specifies, by rule, a different order
3 of payment.

4 **SECTION 1945s.** 95.197 of the statutes is created to read:

5 **95.197 Financial assistance for paratuberculosis testing.** (1) The
6 department shall provide financial assistance to owners of livestock herds for
7 conducting testing for paratuberculosis. The department may only provide financial
8 assistance under this section for the first time that the owner of a livestock herd tests
9 the herd.

10 (2) The department shall promulgate rules for providing financial assistance
11 under sub. (1).

12 **SECTION 1946.** 95.21 (9) (c) of the statutes is created to read:

13 **95.21 (9) (c)** The department may provide training to persons who administer
14 local rabies control programs or who conduct rabies examinations under those
15 programs. The department may charge fees to cover the cost of training. The fees
16 collected under this paragraph shall be credited to the appropriation under s. 20.115
17 (2) (j).

18 **SECTION 1946m.** 97.30 (1) (bm) of the statutes is repealed and recreated to
19 read:

20 **97.30 (1) (bm)** Except as provided by the department by rule, “potentially
21 hazardous food” means a food that requires temperature control because it is in a
22 form capable of supporting any of the following:

- 23 1. Rapid and progressive growth of infectious or toxigenic microorganisms.
- 24 2. Growth and toxin production of *Clostridium botulinum*.
- 25 3. In raw shell eggs, growth of *Salmonella enteritidis*.

①

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2 **SECTION 1946n.** 97.42 (4) (intro.) of the statutes is amended to read:

3 97.42 (4) RULES. (intro.) The department shall may issue reasonable rules
4 requiring or prescribing any of the following:

5 **SECTION 1946p.** 97.42 (4m) of the statutes is created to read:

6 97.42 (4m) FEDERAL REQUIREMENTS. Except as provided in rules promulgated
7 under sub. (4), the operator of an establishment that is required to be licensed under
8 this section shall comply with 9 CFR parts 307 to 311, 313 to 315, 317 to 319, 416 and
9 417 and part 381 subparts G, H, I, J, K, L, O and P as they apply to federally licensed
10 establishments.

11 **SECTION 1950m.** 98.01 (3) of the statutes is amended to read:

12 98.01 (3) "Municipality" means a city ~~or~~, village or town.

13 **SECTION 1951.** 98.04 (1) of the statutes is amended to read:

14 98.04 (1) ~~Each~~ Except as provided in sub. (2), a municipality having a
15 population of more than 5,000, according to the ~~latest federal census~~ most recent
16 population estimate made by the department of administration under s. 16.96, shall
17 enforce the provisions of this chapter within its jurisdiction. For this purpose ~~it, a~~
18 municipality shall establish a municipal department of weights and measures. Each
19 municipal department of weights and measures shall have such number of qualified
20 sealers or inspectors as will ensure compliance with this chapter. Municipal sealers
21 or inspectors shall have the same authority as sealers or inspectors of the
22 department of agriculture, trade and consumer protection. The selection of
23 municipal sealers or inspectors shall be from a list of applicants whose qualifications
24 have been certified by the state or local civil service agency under the rules of the
25 agency. ~~Such~~ The municipality shall procure and keep at all times a complete set of

1 standards of weight and measure conforming to the state standards, ~~and such~~
2 ~~standards shall be submitted~~ and shall submit the standards for certification at
3 regular intervals as required by the department. ~~It of agriculture, trade and~~
4 consumer protection. The municipality shall keep a complete record of its work and
5 annually shall file a report thereof with the department of agriculture, trade and
6 consumer protection. Municipalities The municipality may enact ordinances
7 ~~regulating that regulate~~ weights and measures and that are not in conflict with this
8 chapter or the rules of the department and of agriculture, trade and consumer
9 protection. The municipality may assess fees ~~which that~~ do not exceed the actual cost
10 of the ~~municipal~~ its weights and measures program.

11 **SECTION 1952.** 98.04 (2) of the statutes is repealed and recreated to read:

12 98.04 (2) A municipality that is required to establish a department of weights
13 and measures under sub. (1) may contract with the department of agriculture, trade,
14 and consumer protection to enforce the provisions of this chapter within the
15 municipality's jurisdiction instead of establishing its own department if the
16 department of agriculture, trade and consumer protection agrees to enter into such
17 a contract. The department of agriculture, trade and consumer protection may
18 charge the municipality fees sufficient to cover the department's costs under the
19 contract. A municipality may recover an amount not to exceed the cost of these fees
20 by assessing fees on the persons who receive services under the weights and
21 measures program.

22 **SECTION 1952m.** 98.12 of the statutes is amended to read:

23 **98.12 ~~Standard containers; frozen desserts~~ Sale of ice cream and**
24 **similar frozen products.** Ice cream, ice milk, water ices or other frozen desserts
25 of a similar nature packaged prior to sale ~~may~~ shall be sold by liquid measure ~~only~~

1 ~~and shall be packaged only in containers with capacities of one-half liquid pint, one~~
2 ~~liquid pint, one liquid quart, or a multiple of one liquid quart.~~ This section does not
3 apply if ~~such~~ the products are packaged at time of sale at retail or sold in quantities
4 of less than one-half liquid pint.

5 **SECTION 1953.** 98.16 (2) (b) of the statutes, as affected by 1997 Wisconsin Act
6 27, section 2552f, is amended to read:

7 98.16 (2) (b) The fee for a license under par. (a) is ~~\$30~~ \$60, except that the
8 department may establish a different fee by rule.

9 **SECTION 1953e.** 98.21 of the statutes is repealed and recreated to read:

10 **98.21 Sale of bread.** (1) Except as provided in sub. (2), no person may
11 manufacture for sale in this state, offer to sell or sell bread unless the bread is sold
12 by weight.

13 (2) Subsection (1) does not apply to stale bread if the bread is conspicuously
14 marked "stale bread" or is placed in a container conspicuously marked "stale bread"
15 and sold as and for stale bread.

16 **SECTION 1960.** 100.261 of the statutes is created to read:

17 **100.261 Consumer information assessment.** (1) If a court imposes a fine
18 or forfeiture for a violation of this chapter, ch. 98, a rule promulgated under this
19 chapter or ch. 98 or an ordinance enacted under this chapter or ch. 98, the court shall
20 also impose a consumer information assessment in an amount equal to 15% of the
21 fine or forfeiture imposed. If multiple violations are involved, the court shall base
22 the consumer information assessment upon the the total of the fine or forfeiture
23 amounts for all violations. If a fine or forfeiture is suspended in whole or in part, the
24 court shall reduce the assessment in proportion to the suspension.

1 (2) If any deposit is made for a violation to which this section applies, the person
2 making the deposit shall also deposit a sufficient amount to include the consumer
3 information assessment required under this section. If the deposit is forfeited, the
4 amount of the consumer information assessment shall be transmitted to the state
5 treasurer under sub. (3). If the deposit is returned, the consumer information
6 assessment shall also be returned.

7 (3) (a) The clerk of court shall collect and transmit the consumer information
8 assessment amounts to the county treasurer under s. 59.40 (2) (m). The county
9 treasurer shall then make payment to the state treasurer under s. 59.25 (3) (f) 2.

10 (b) 1. The state treasurer shall deposit the assessment amounts in the general
11 fund and shall credit them to the appropriation account under s. 20.115 (1) (jb),
12 subject to the limit under subd. 2.

13 2. The amount credited to the appropriation account under s. 20.115 (1) (jb) may
14 not exceed \$85,000 in each fiscal year.

15 **SECTION 1972.** 101.01 (4) of the statutes is amended to read:

16 101.01 (4) "Employer" means any person, firm, corporation, state, county,
17 town, city, village, school district, sewer district, drainage district, family care
18 district and other public or quasi-public corporations as well as any agent, manager,
19 representative or other person having control or custody of any employment, place
20 of employment or of any employe.

21 **SECTION 1972c.** 101.02 (18m) of the statutes is amended to read:

22 101.02 (18m) The department may perform, or contract for the performance
23 of, testing of petroleum products other than testing provided under ch. 168. The
24 department may establish a schedule of fees for such petroleum product testing
25 services. The department shall credit all revenues received from fees established

1 under this subsection to the appropriation account under s. 20.143 (3) (ga). Revenues
2 from fees established under this subsection may be used by the department to pay
3 for testing costs, including laboratory supplies and equipment amortization, for such
4 products.

5 **SECTION 1972g.** 101.02 (20) (a) of the statutes is amended to read:

6 101.02 (20) (a) For purposes of this subsection, “license” means a license,
7 permit or certificate of certification or registration issued by the department under
8 ss. 101.09 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a),
9 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (2), 101.87,
10 101.935, 101.95, 101.951, 101.952, 145.02 (4), 145.035, 145.045, 145.15, 145.16,
11 145.165, 145.17, 145.175, 145.18 or 167.10 (6m).

12 **SECTION 1972h.** 101.02 (20) (b) of the statutes is amended to read:

13 101.02 (20) (b) The Except as provided in par. (e), the department of commerce
14 may not issue or renew a license unless each applicant who is an individual provides
15 the department of commerce with his or her social security number and each
16 applicant that is not an individual provides the department of commerce with its
17 federal employer identification number. The department of commerce may not
18 disclose the social security number or the federal employer identification number of
19 an applicant for a license or license renewal except to the department of revenue for
20 the sole purpose of requesting certifications under s. 73.0301.

21 **SECTION 1972k.** 101.02 (20) (e) of the statutes is created to read:

22 101.02 (20) (e) 1. If an applicant who is an individual does not have a social
23 security number, the applicant, as a condition of applying for or applying to renew
24 a license shall submit a statement made or subscribed under oath or affirmation to
25 the department of commerce that the applicant does not have a social security

1 number. The form of the statement shall be prescribed by the department of
2 workforce development.

3 2. Any license issued or renewed in reliance upon a false statement submitted
4 by an applicant under subd. 1 is invalid.

5 **SECTION 1972m.** 101.02 (21) (a) of the statutes is amended to read:

6 101.02 (21) (a) In this subsection, "license" means a license, permit or
7 certificate of certification or registration issued by the department under s. 101.09
8 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a), 101.178
9 (2) or (3) (a), 101.63 (2), 101.653, 101.73 (5) or (6), 101.82 (2), 101.87, 101.935, 101.95,
10 101.951, 101.952, 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17,
11 145.175, 145.18 or 167.10 (6m).

12 **SECTION 1972n.** 101.02 (21) (b) of the statutes is amended to read:

13 101.02 (21) (b) As provided in the memorandum of understanding under s.
14 49.857 and except as provided in par. (e), the department of commerce may not issue
15 or renew a license unless the applicant provides the department of commerce with
16 his or her social security number. The department of commerce may not disclose the
17 social security number except that the department of commerce may disclose the
18 social security number of an applicant for a license under par. (a) or a renewal of a
19 license under par. (a) to the department of workforce development for the sole
20 purpose of administering s. 49.22.

21 **SECTION 1972r.** 101.02 (21) (e) of the statutes is created to read:

22 101.02 (21) (e) 1. If an applicant who is an individual does not have a social
23 security number, the applicant, as a condition of applying for or applying to renew
24 a license shall submit a statement made or subscribed under oath or affirmation to
25 the department of commerce that the applicant does not have a social security

1 number. The form of the statement shall be prescribed by the department of
2 workforce development.

3 2. Any license issued or renewed in reliance upon a false statement submitted
4 by an applicant under subd. 1 is invalid.

5 **SECTION 1973.** 101.09 (title) of the statutes is amended to read:

6 **101.09 (title) Storage of flammable and, combustible and hazardous**
7 **liquids.**

8 **SECTION 1974.** 101.09 (1) (am) of the statutes is created to read:

9 101.09 (1) (am) “Federally regulated hazardous substance” means a hazardous
10 substance, as defined in 42 USC 9601 (14).

11 **SECTION 1975.** 101.09 (2) (a) of the statutes is amended to read:

12 101.09 (2) (a) Except as provided under pars. (b) to (d), every person who
13 constructs, owns or controls a tank for the storage, handling or use of ~~flammable or~~
14 ~~combustible~~ liquid that is flammable or combustible or a federally regulated
15 hazardous substance shall comply with the standards adopted under sub. (3).

16 **SECTION 1975m.** 101.09 (2) (cm) of the statutes is created to read:

17 101.09 (2) (cm) Any rules promulgated under sub. (3) requiring an owner to test
18 the ability of a storage tank, connected piping or ancillary equipment to prevent an
19 inadvertent release of a stored substance or requiring an owner to permanently close
20 or upgrade a storage tank do not apply to storage tanks that satisfy all of the
21 following:

22 1. Are installed before the effective date of this subdivision [revisor inserts
23 date].

24 2. Have a capacity of less than 1,100 gallons.

1 3. Are used to store heating oil for residential, consumptive use on the premises
2 where stored.

3 **SECTION 1976.** 101.09 (3) (a) of the statutes is amended to read:

4 101.09 (3) (a) The department shall promulgate by rule construction,
5 maintenance and abandonment standards applicable to tanks for the storage,
6 handling or use of ~~flammable and combustible~~ liquids that are flammable or
7 combustible or are federally regulated hazardous substances, and to the property
8 and facilities where the tanks are located, for the purpose of protecting the waters
9 of the state from harm due to contamination by ~~flammable and combustible~~ liquids
10 that are flammable or combustible or are federally regulated hazardous substances.

11 The rule shall comply with ch. 160. The rule may include different standards for new
12 and existing tanks, but all standards shall provide substantially similar protection
13 for the waters of the state. The rule shall include maintenance requirements related
14 to the detection and prevention of leaks. The rule may require any person supplying
15 heating oil to any noncommercial storage tank for consumptive use on the premises
16 to submit to the department, within 30 days after the department requests, the
17 location, contents and size of any such tank.

18 **SECTION 1976r.** 101.123 (1) (b) of the statutes is amended to read:

19 101.123 (1) (b) “Inpatient health care facility” means a county home
20 established under s. 49.70, a county infirmary established under s. 49.72, or a
21 community-based residential facility or a nursing home licensed under s. 50.03 ~~or~~
22 ~~a tuberculosis sanatorium established under s. 58.06, 252.073 or 252.076.~~

23 **SECTION 1979.** 101.14 (5) of the statutes is amended to read:

24 101.14 (5) (a) Subject to par. (b), in addition to any fee charged by the
25 department by rule for plan review and approval for the construction of a new or

1 additional installation or change in operation of a previously approved installation
2 for the storage, handling or use of ~~flammable or combustible liquids~~ a liquid that is
3 flammable or combustible or a federally regulated hazardous substance, as defined
4 in s. 101.09 (1) (am), the department shall collect a groundwater fee of \$100 for each
5 plan review submittal. The moneys collected under this subsection shall be credited
6 to the environmental fund for environmental management.

7 (b) Notwithstanding par. (a), an installation for the storage, handling or use of
8 ~~flammable or combustible liquids~~ a liquid that is flammable or combustible or a
9 federally regulated hazardous substance, as defined in s. 101.09 (1) (am), that has
10 a capacity of less than 1,000 gallons is not subject to the groundwater fee under par.
11 (a).

12 **SECTION 1979p.** 101.143 (1) (bm) of the statutes is created to read:

13 101.143 (1) (bm) "Enforcement standard" has the meaning given in s. 160.01
14 (2).

15 **SECTION 1979r.** 101.143 (1) (cq) of the statutes is created to read:

16 101.143 (1) (cq) "Natural attenuation" means the reduction in the
17 concentration and mass of a substance, and the products into which the substance
18 breaks down, due to naturally occurring physical, chemical and biological processes.

19 **SECTION 1979v.** 101.143 (2) (em) of the statutes is created to read:

20 101.143 (2) (em) 1. The department may promulgate rules that specify a fee
21 that must be paid by a service provider as a condition of submitting a bid to conduct
22 an activity under sub. (3) (c) for which a claim for reimbursement under this section
23 will be submitted. Any fees collected under the rules shall be deposited into the
24 petroleum inspection fund.

1 2. If the department promulgates rules under subd. 1., the department may
2 purchase, or provide funding for the purchase of, insurance to cover the amount by
3 which the costs of conducting activities under sub. (3) (c) exceed the amount bid to
4 conduct those activities.

5 **SECTION 1980c.** 101.143 (2) (h) of the statutes is created to read:

6 101.143 (2) (h) The department of commerce and the department of natural
7 resources, jointly, shall promulgate rules designed to facilitate effective and
8 cost-efficient administration of the program under this section that specify all of the
9 following:

10 1. Information that must be submitted under this section, including quarterly
11 summaries of costs incurred with respect to a discharge for which a claim is intended
12 to be submitted under sub. (3) but for which a final claim has not been submitted.

13 2. Formats for submitting the information under subd. 1.

14 3. Review procedures that must be followed by employes of the department of
15 natural resources and the department of commerce in reviewing the information
16 submitted under subd. 1.

17 **SECTION 1981c.** 101.143 (2) (i) of the statutes is created to read:

18 101.143 (2) (i) The department of commerce and the department of natural
19 resources, jointly, shall promulgate rules specifying procedures for evaluating
20 remedial action plans and procedures to be used by employes of the department of
21 commerce and the department of natural resources while remedial actions are being
22 conducted. The departments shall specify procedures that include all of the
23 following:

1 1. Annual reviews that include application of the method in the rules
2 promulgated under sub. (2e) (b) to determine the risk posed by discharges that are
3 the subject of the remedial actions.

4 2. Annual reports by consultants estimating the additional costs that must be
5 incurred to comply with sub. (3) (c) 3. and with enforcement standards.

6 3. A definition of “reasonable time” for the purpose of determining whether
7 natural attenuation may be used to achieve enforcement standards.

8 4. Procedures to be used to measure concentrations of contaminants.

9 **SECTION 1981e.** 101.143 (2) (j) of the statutes is created to read:

10 101.143 (2) (j) The department of commerce and the department of natural
11 resources, jointly, shall promulgate rules specifying all of the following:

12 1. The conditions under which employes of the department of commerce and
13 the department of natural resources must issue approvals under sub. (3) (c) 4.

14 2. Training and management procedures to ensure that employes comply with
15 the requirements under subd. 1.

16 **SECTION 1981g.** 101.143 (2) (k) of the statutes is created to read:

17 101.143 (2) (k) In promulgating rules under pars. (h) to (j), the department of
18 commerce and the department of natural resources shall attempt to reach an
19 agreement that is consistent with those provisions. If the department of commerce
20 and the department of natural resources are unable to reach an agreement, they
21 shall refer the matters on which they are unable to agree to the secretary of
22 administration for resolution. The secretary of administration shall resolve any
23 matters on which the departments disagree in a manner that is consistent with pars.
24 (h) to (j). The department of commerce and the department of natural resources,
25 jointly, shall promulgate rules incorporating any agreement between the

1 department of commerce and the department of natural resources under this
2 paragraph and any resolution of disagreements between the departments by the
3 secretary of administration under this paragraph.

4 **SECTION 1981i.** 101.143 (2) (L) of the statutes is created to read:

5 101.143 (2) (L) The department may promulgate rules for the assessment
6 and collection of fees to recover its costs for providing approval under sub. (3) (c)
7 4. and for providing other assistance requested by applicants under this section.
8 Any moneys collected under this paragraph shall be credited to the appropriation
9 account under s. 20.143 (3) (Lm).

10 **SECTION 1982c.** 101.143 (2e) of the statutes is created to read:

11 101.143 (2e) RISK-BASED ANALYSIS. (a) The department of commerce and the
12 department of natural resources shall attempt to agree on a method, which shall
13 include individualized consideration of the routes for migration of petroleum product
14 contamination at each site, for determining the risk to public health, safety and
15 welfare and to the environment posed by discharges for which the department of
16 commerce receives notification under sub. (3) (a) 3.

17 (b) If the department of commerce and the department of natural resources are
18 unable to reach an agreement under par. (a), they shall refer the matters on which
19 they are unable to agree to the secretary of administration for resolution. The
20 secretary of administration shall resolve any matters on which the departments
21 disagree in a manner that is consistent with par. (a). The department of commerce
22 and the department of natural resources, jointly, shall promulgate rules
23 incorporating any agreement between the department of commerce and the
24 department of natural resources under par. (a) and any resolution of disagreements
25 between the departments by the secretary of administration under this paragraph.

1 (c) The department of natural resources or, if the discharge is covered under
2 s. 101.144 (2) (b), the department of commerce shall apply the method in the rules
3 promulgated under par. (b) to determine the risk posed by a discharge for which the
4 department of commerce receives notification under sub. (3) (a) 3.

5 **SECTION 1983b.** 101.143 (3) (c) 2. of the statutes is amended to read:

6 101.143 (3) (c) 2. Prepare a remedial action plan that identifies specific
7 remedial action activities proposed to be conducted under subd. 3. and submit the
8 remedial action plan to the department.

9 **SECTION 1983m.** 101.143 (3) (cm) of the statutes is amended to read:

10 101.143 (3) (cm) *Monitoring as remedial action.* An owner or operator or person
11 owning a home oil tank system may, with the approval of the department of natural
12 resources or, if the discharge is covered under s. 101.144 (2) (b), the department of
13 commerce, satisfy the requirements of par. (c) 2. and 3. by proposing and
14 implementing monitoring to ensure the effectiveness of ~~the natural process of~~
15 degradation attenuation of petroleum product contamination.

16 **SECTION 1983t.** 101.143 (3) (cp) of the statutes is created to read:

17 101.143 (3) (cp) *Bidding process.* 1. Except as provided in subds. 2. to 5., if the
18 department of natural resources or, if the site is covered under s. 101.144 (2) (b), the
19 department of commerce estimates that the cost to complete a site investigation,
20 remedial action plan and remedial action for an occurrence exceeds \$60,000, the
21 department of commerce shall implement a competitive public bidding process to
22 obtain information to assist in making the determination under par. (cs).

23 2. The department of commerce or the department of natural resources may
24 waive the requirement under subd. 1. if an enforcement standard is exceeded in
25 groundwater within 1,000 feet of a well operated by a public utility, as defined in s.

1 196.01 (5), or within 100 feet of any other well used to provide water for human
2 consumption.

3 * — remove empty line —

4 4. The department of commerce or the department of natural resources may
5 waive the requirement under subd. 1. on the grounds that waiver is necessary in an
6 emergency to prevent or mitigate an imminent hazard to public health, safety or
7 welfare or to the environment.

8 5. The department of commerce or the department of natural resources may
9 waive the requirement under subd. 1. after providing notice to the other department.

10 6. The department of commerce may disqualify a bid received under subd. 1.
11 if, based on information available to the department and experience with remedial
12 action at other sites, the bid is unlikely to establish an amount to sufficiently fund
13 remedial action that will comply with par. (c) 3. and with enforcement standards.

14 7. The department of commerce may disqualify a person from submitting bids
15 under subd. 1. if, based on past performance of the bidder, the department
16 determines that the person has demonstrated an inability to complete remedial
17 action within established cost limits.

18 **SECTION 1984c.** 101.143 (3) (cs) of the statutes is created to read:

19 101.143 (3) (cs) *Determination of least costly method of remedial action.* 1. The
20 department of commerce shall review the remedial action plan for a site that is
21 classified as low or medium risk under s. 101.144 and shall determine the least costly
22 method of complying with par. (c) 3. and with enforcement standards. The
23 department shall notify the owner or operator of its determination of the least costly
24 method and shall notify the owner or operator that reimbursement for remedial

1 action under this section is limited to the amount necessary to implement that
2 method.

3 2. The department of natural resources and the department of commerce shall
4 review the remedial action plan for a site that is classified as high risk under s.
5 101.144 and shall jointly determine the least costly method of complying with par.
6 (c) 3. and with enforcement standards. The departments shall notify the owner or
7 operator of their determination of the least costly method and shall notify the owner
8 or operator that reimbursement for remedial action under this section is limited to
9 the amount necessary to implement that method.

10 3. In making determinations under subds. 1. and 2., the department of natural
11 resources and the department of commerce shall determine whether natural
12 attenuation will achieve compliance with par. (c) 3. and with enforcement standards.

13 4. The department of commerce may review and modify an amount established
14 under subd. 1. if the department determines that new circumstances, including
15 newly discovered contamination at a site, warrant those actions. ^{AA}~~The~~ department of
16 commerce and the department of natural resources may review and modify an
17 amount established under subd. 2. if the departments determine that new
18 circumstances, including newly discovered contamination at a site, warrant those
19 actions.

20 **SECTION 1984m.** 101.143 (3) (cw) of the statutes is created to read:

21 101.143 (3) (cw) *Annual reviews.* 1. The department of commerce shall conduct
22 the annual review required under sub. (2) (i) 1. for a site that is classified as low or
23 medium risk under s. 101.144 and shall determine the least costly method of
24 completing remedial action at the site in order to comply with par. (c) 3. and with
25 enforcement standards. The department shall notify the owner or operator of its

1 determination of the least costly method and shall notify the owner or operator that
2 reimbursement under this section for any remedial action conducted after the date
3 of the notice is limited to the amount necessary to implement that method.

4 2. The department of natural resources and the department of commerce shall
5 conduct the annual review required under sub. (2) (i) 1. for a site that is classified as
6 high risk under s. 101.144 and shall jointly determine the least costly method of
7 completing remedial action at the site in order to comply with par. (c) 3. and with
8 enforcement standards. The departments shall notify the owner or operator of their
9 determination of the least costly method and shall notify the owner or operator that
10 reimbursement under this section for remedial action conducted after the date of the
11 notice is limited to the amount necessary to implement that method.

12 3. In making determinations under subs. 1. and 2., the department of natural
13 resources and the department of commerce shall determine whether natural
14 attenuation will achieve compliance with par. (c) 3. and with enforcement standards.

15 4. The department of commerce may review and modify an amount established
16 under subd. 1. if the department determines that new circumstances, including
17 newly discovered contamination at a site, warrant those actions. ^{Δ?} The department of
18 commerce and the department of natural resources may review and modify an
19 amount established under subd. 2. if the departments determine that new
20 circumstances, including newly discovered contamination at a site, warrant those
21 actions.

22 **SECTION 1985b.** 101.143 (3) (d) of the statutes is amended to read:

23 101.143 (3) (d) ~~Review of site investigations, remedial action plans and Final~~
24 ~~review of remedial action activities. The department of natural resources or, if the~~
25 ~~discharge is covered under s. 101.144 (2) (b), the department of commerce shall, at~~

1 ~~the request of the claimant, review the site investigation and the remedial action~~
2 ~~plan and advise the claimant on the adequacy of proposed remedial action activities~~
3 ~~in meeting the requirements of s. 292.11. The advice is not an approval of the~~
4 ~~remedial action activities. The department of natural resources or, if the discharge~~
5 ~~is covered under s. 101.144 (2) (b), the department of commerce shall complete a final~~
6 ~~review of the remedial action activities within 60 days after the claimant notifies the~~
7 ~~appropriate department that the remedial action activities are completed.~~

8 **SECTION 1985e.** 101.143 (3) (g) (intro.) and 1. of the statutes are consolidated,
9 renumbered 101.143 (3) (g) and amended to read:

10 101.143 (3) (g) *Emergency situations.* Notwithstanding pars. (a) 3. and (c) 1.
11 and 2., an owner or operator or the person may submit a claim for an award under
12 sub. (4) after notifying the department under par. (a) 3., without completing an
13 investigation under par. (c) 1. and without preparing a remedial action plan under
14 par. (c) 2. if any of the following apply: ~~1. An an~~ emergency existed which made the
15 investigation under par. (c) 1. and the remedial action plan under par. (c) 2.
16 inappropriate and, before conducting remedial action, the owner or operator or
17 person notified the department of commerce and the department of natural
18 resources of the emergency and the department of commerce and the department of
19 natural resources authorized emergency action.

20 **SECTION 1985f.** 101.143 (3) (g) 2. of the statutes is repealed.

21 **SECTION 1985m.** 101.143 (4) (b) (intro.) of the statutes is amended to read:

22 101.143 (4) (b) *Eligible costs.* (intro.) ~~Eligible~~ Except as provided in par. (c).
23 eligible costs for an award under par. (a) include actual costs or, if the department
24 establishes a schedule usual and customary cost under par. (cm) for an item, usual
25 and customary costs for the following items ~~only~~:

1 **SECTION 1985w.** 101.143 (4) (c) (intro.) of the statutes is amended to read:

2 101.143 (4) (c) *Exclusions from eligible costs.* (intro.) Eligible costs for an
3 award under par. (a) do not include the following, regardless of whether a competitive
4 bidding process is used:

5 **SECTION 1986c.** 101.143 (4) (c) 8. of the statutes is renumbered 101.143 (4) (c)
6 8. (intro.) and amended to read:

7 101.143 (4) (c) 8. (intro.) Interest costs incurred by an applicant that exceed
8 interest at ~~1% over the prime rate, as determined under rules promulgated by the~~
9 ~~department.~~ the following rate:

10 **SECTION 1986e.** 101.143 (4) (c) 8. a. to f. of the statutes are created to read:

11 101.143 (4) (c) 8. a. If the applicant has gross revenues of not more than
12 \$5,000,000 in the most recent tax year before the applicant submits a claim, 1% over
13 the prime rate.

14 b. If the applicant has gross revenues of more than \$5,000,000 but not more
15 than \$15,000,000 in the most recent tax year before the applicant submits a claim,
16 the prime rate.

17 c. If the applicant has gross revenues of more than \$15,000,000 but not more
18 than \$25,000,000 in the most recent tax year before the applicant submits a claim,
19 1% under the prime rate.

20 d. If the applicant has gross revenues of more than \$25,000,000 but not more
21 than \$35,000,000 in the most recent tax year before the applicant submits a claim,
22 2% under the prime rate.

23 e. If the applicant has gross revenues of more than \$35,000,000 but not more
24 than \$45,000,000 in the most recent tax year before the applicant submits a claim,
25 3% under the prime rate.

1 f. If the applicant has gross revenues of more than \$45,000,000 in the most
2 recent tax year before the applicant submits a claim, 4% under the prime rate.

3 **SECTION 1986g.** 101.143 (4) (c) 10. of the statutes is created to read:

4 101.143 (4) (c) 10. Fees charged under sub. (2) (L) or s. 292.55 (2).

5 **SECTION 1986i.** 101.143 (4) (c) 11. of the statutes is created to read:

6 101.143 (4) (c) 11. Costs that exceed the amount necessary to comply with sub.

7 (3) (c) 3. and with enforcement standards using the least costly method.

8 **SECTION 1986k.** 101.143 (4) (c) 12. of the statutes is created to read:

9 101.143 (4) (c) 12. Costs that are incurred after the date of a notice under sub.

10 (3) (cw) 1. or 2. and that exceed the amount necessary to comply with sub. (3) (c) 3.

11 and with enforcement standards using the method specified in the notice.

12 **SECTION 1986m.** 101.143 (4) (cm) of the statutes is renumbered 101.143 (4)

13 (cm) 1. and amended to read:

14 101.143 (4) (cm) 1. The department ~~may~~ shall establish a schedule of usual and
15 customary costs for ~~any~~ items under par. (b) ~~and may that are commonly associated~~
16 with claims under this section. The department shall use that schedule to determine
17 the amount of a claimant's eligible costs for an occurrence for which a competitive
18 bidding process is not used, except in circumstances under which higher costs must
19 be incurred to comply with sub. (3) (c) 3. and with enforcement standards. For an
20 occurrence for which a competitive bidding process is used, the department may not
21 use the schedule. In the schedule, the department shall specify the maximum
22 number of reimbursable hours for particular tasks and the maximum reimbursable
23 hourly rates for those tasks. The department shall use methods of data collection and
24 analysis that enable the schedule to be revised to reflect changes in actual costs. This
25 subdivision does not apply after June 30, 2001.

1 **SECTION 1986p.** 101.143 (4) (cm) 2. of the statutes is created to read:

2 101.143 (4) (cm) 2. The department may establish a schedule of usual and
3 customary costs for any items under par. (b) and may use that schedule to determine
4 the amount of a claimant's eligible costs. This subdivision applies after June 30,
5 2001.

6 **SECTION 1987b.** 101.143 (4) (d) 2. (intro.) of the statutes is amended to read:

7 101.143 (4) (d) 2. (intro.) The department shall issue the award under this
8 paragraph without regard to fault in an amount equal to the amount of the eligible
9 costs that exceeds ~~a the deductible amount of \$2,500 plus 5% of the eligible costs, but~~
10 ~~not more than \$7,500 per occurrence, except that the deductible amount for a~~
11 ~~petroleum product storage system that is owned by a school district or a technical~~
12 ~~college district and that is used for storing heating oil for consumptive use on the~~
13 ~~premises is 25% of eligible costs~~ under par. (dg). An award issued under this
14 paragraph may not exceed the following for each occurrence:

15 **SECTION 1991c.** 101.143 (4) (dg) of the statutes is created to read:

16 101.143 (4) (dg) *Deductible; underground systems.* The amount of the
17 deductible for an award under par. (d) is as follows for each occurrence:

18 1. Except as provided under par. (di), for an owner or operator of an
19 underground petroleum product storage tank system that is located at a facility at
20 which petroleum is stored for resale or an owner or operator of an underground
21 petroleum product storage tank system that handles an annual average of more than
22 10,000 gallons of petroleum per month, \$3,000 plus 3% of the amount by which
23 eligible costs exceed \$60,000.

1 2. For a school district or a technical college district with respect to a discharge
2 from an underground petroleum product storage tank system that is used for storing
3 heating oil for consumptive use on the premises, 25% of eligible costs.

4 3. For the owner or operator of a petroleum product storage system that is
5 described in par. (ei) 1., \$5,000.

6 4. For an owner or operator other than an owner or operator described in subd.
7 1., 2. or 3., \$2,500, plus 5% of eligible costs, but not more than \$7,500.

8 **SECTION 1992c.** 101.143 (4) (di) of the statutes is created to read:

9 101.143 (4) (di) *Rules concerning deductible for underground systems.* The
10 department may promulgate rules describing a class of owners and operators of
11 underground petroleum product storage tank systems otherwise subject to par. (dg)
12 1. for whom the deductible is the amount under par. (dg) 4. rather than the amount
13 under par. (dg) 1. if the class is based on financial hardship or consists of local
14 governmental units that are conducting remedial action as part of projects to
15 redevelop brownfields, as defined in s. 560.13 (1) (a).

16 **SECTION 1993c.** 101.143 (4) (dm) 2. a. of the statutes is amended to read:

17 101.143 (4) (dm) 2. a. For the owner or operator of a terminal, \$15,000 plus 5%
18 10% of the amount by which eligible costs exceed \$200,000.

19 **SECTION 1993f.** 101.143 (4) (dm) 2. c. of the statutes is amended to read:

20 101.143 (4) (dm) 2. c. For the owner or operator of a petroleum product storage
21 system that is described in par. (ei) 1., ~~\$2,500 plus 5% of eligible costs but not more~~
22 ~~than \$7,500~~ \$5,000 per occurrence.

23 **SECTION 1993m.** 101.143 (4) (ei) 2. of the statutes is repealed and recreated to
24 read:

1 101.143 (4) (ei) 2. The department shall review claims related to discharges
2 from farm tanks described in subd. 1. as soon as the claims are received. The
3 department shall issue an award for an eligible discharge from a farm tank described
4 in subd. 1. as soon as it completes the review of the claim.

5 **SECTION 1994.** 101.143 (9m) of the statutes is created to read:

6 101.143 (9m) REVENUE OBLIGATIONS. (a) For purposes of subch. II of ch. 18, the
7 petroleum storage remedial action program is a special fund program, and the
8 petroleum inspection fund is a special fund. The petroleum inspection fund is a
9 segregated fund created by the imposition of fees, penalties or excise taxes. The
10 legislature finds and determines that a nexus exists between the petroleum storage
11 remedial action program and the petroleum inspection fund in that fees imposed on
12 users of petroleum are used to remedy environmental damage caused by petroleum
13 storage.

14 (b) Deposits, appropriations or transfers to the petroleum inspection fund for
15 the purposes of the petroleum storage remedial action program may be funded with
16 the proceeds of revenue obligations issued subject to and in accordance with subch.
17 II of ch. 18 and, if designated a higher education bond, in accordance with subch. IV
18 of ch. 18.

19 (e) The department shall have all other powers necessary and convenient to
20 distribute the special fund revenues and to distribute the proceeds of the revenue
21 obligations in accordance with subch. II of ch. 18 and, if designated a higher
22 education bond, in accordance with subch. IV of ch. 18.

23 (f) The department may enter into agreements with the federal government or
24 its agencies, political subdivisions of this state, individuals or private entities to

1 insure or in any other manner provide additional security for the revenue obligations
2 issued under this subsection.

3 (g) 1. Subject to the limitation under subd. 2., the building commission shall
4 contract revenue obligations under this subsection, as soon as practicable after the
5 effective date of this subdivision [revisor inserts date], in the maximum amount
6 that the building commission believes can be fully paid on a timely basis from moneys
7 received or anticipated to be received.

8 2. Revenue obligations issued under this subsection may not exceed
9 \$270,000,000 in principal amount. In addition to this limit on principal amount, the
10 building commission may contract revenue obligations under this subsection as the
11 building commission determines is desirable to fund or refund outstanding revenue
12 obligations, to pay issuance or administrative expenses, to make deposits to reserve
13 funds or to pay accrued or capitalized interest.

14 (h) Unless otherwise expressly provided in resolutions authorizing the
15 issuance of revenue obligations or in other agreements with the owners of revenue
16 obligations, each issue of revenue obligations under this subsection shall be on a
17 parity with every other revenue obligation issued under this subsection and in
18 accordance with subch. II of ch. 18 and, if designated a higher education bond, in
19 accordance with subch. IV of ch. 18.

20 (i) Recognizing its moral obligation to do so, the legislature expresses its
21 expectation and aspiration that, if the legislature reduces the rate of the petroleum
22 inspection fee and if the funds in the petroleum inspection fund are insufficient to
23 pay the principal and interest on the revenue obligations issued under subch. II or
24 IV of ch. 18 pursuant to this subsection, the legislature shall make an appropriation
25 from the general fund sufficient to pay the principal and interest on the obligations.

1 **SECTION 1994m.** 101.143 (11) of the statutes is created to read:

2 **101.143 (11) REPORTS.** No later than each January 1 and July 1, the department
3 of commerce and the department of natural resources shall submit the the governor,
4 to the joint legislative audit committee, to the joint committee on finance and to the
5 appropriate standing committees of the legislature, under s. 13.172 (3), a report on
6 the program under this section. The departments shall include all of the following
7 information in the report:

8 (a) All of the following information for each petroleum product storage system
9 and home oil tank system from which a discharge has occurred for which remedial
10 action activities are being conducted:

11 1. The date on which the record of the site investigation was received.

12 2. The environmental risk factors, as defined by the department of commerce
13 by rule, identified at the site.

14 3. The year in which the approval under sub. (3) (c) 4. is expected to be issued.

15 (am) The number of notices received under sub. (3) (a) 3. and the number of
16 approvals given under sub. (3) (c) 4.

17 (b) The percentage of sites classified as high risk under s. 101.144.

18 (c) The name of each person providing engineering consulting services to a
19 claimant under this section and the number of claimants to whom the person has
20 provided those services.

21 (d) The charges for engineering consulting services for sites for which
22 approvals are given under sub. (3) (c) 4. and for other sites.

23 (e) The charges by service providers other than engineering consultants for
24 services for which reimbursement is provided under this section, including
25 excavating, hauling, laboratory testing and landfill disposal.

1 (em) Whether disputes have arisen between the departments under sub. (3)
2 (cw) 2. and, if so, how those disputes have been resolved.

3 (f) Strategies for recording and monitoring complaints of fraud in the program
4 under this section and for the use of employes of the department of commerce who
5 conduct audits to identify questionable claims and investigate complaints.

6 **SECTION 1995p.** 101.144 (1) (ae) of the statutes is created to read:

7 101.144 (1) (ae) "Enforcement standard" has the meaning given in s. 160.01 (2).

8 **SECTION 1995r.** 101.144 (1) (aq) of the statutes is created to read:

9 101.144 (1) (aq) Except as provided under sub. (3g), "high-risk site" means the
10 site of a discharge of a petroleum product from a petroleum storage tank if the
11 discharge has resulted in a concentration of contaminants that exceeds an
12 enforcement standard in soil that has a hydraulic conductivity of 1×10^{-5} centimeters
13 per second or if at least one of the following applies:

14 1. Repeated tests show that the discharge has resulted in a concentration of
15 contaminants in a well used to provide water for human consumption that exceeds
16 a preventive action limit, as defined in s. 160.01 (6).

17 2. Petroleum product that is not in dissolved phase is present with a thickness
18 of 0.01 feet or more, as shown by repeated measurements.

19 3. An enforcement standard is exceeded in groundwater within 1,000 feet of a
20 well operated by a public utility, as defined in s. 196.01 (5), or within 100 feet of any
21 other well used to provide water for human consumption.

22 4. An enforcement standard is exceeded in fractured bedrock.

23 **SECTION 1996c.** 101.144 (2) (b) 1. of the statutes is amended to read:

1 101.144 (2) (b) 1. The site of the discharge is classified, as provided under sub.
2 (3m) (a) 3., as medium ~~priority risk~~ or low ~~priority risk~~, based on the threat that the
3 discharge poses to public health, safety and welfare and to the environment.

4 **SECTION 1996e.** 101.144 (2) (b) 2. of the statutes is amended to read:

5 101.144 (2) (b) 2. The site of the discharge is not contaminated by a hazardous
6 substance other than the petroleum product, including any additive, that was
7 discharged from the petroleum storage tank.

8 **SECTION 1997c.** 101.144 (3g) of the statutes is created to read:

9 101.144 (3g) (a) If, on December 1, 1999, more than 35% of sites classified
10 under this section, excluding sites that are contaminated by a hazardous substance
11 other than a petroleum product or an additive to a petroleum product, are classified
12 as high-risk sites, the department of commerce and the department of natural
13 resources shall attempt to reach an agreement that specifies standards for
14 determining whether the site of a discharge of a petroleum product from a petroleum
15 storage tank is classified as high risk. The standards shall be designed to classify
16 no more than 35% of those sites as high-risk sites and may not classify all sites at
17 which an enforcement standard is exceeded as high-risk sites. If the department of
18 commerce and the department of natural resources are unable to reach an
19 agreement, they shall refer the matters on which they are unable to agree to the
20 secretary of administration for resolution. The secretary of administration shall
21 resolve any matters on which the departments disagree in a manner that is
22 consistent with this paragraph. The department of commerce shall promulgate rules
23 incorporating any agreement between the department of commerce and the
24 department of natural resources under this paragraph and any resolution of

1 disagreements between the departments by the secretary of administration under
2 this paragraph.

3 (b) If, 6 months after rules under par. (a) are in effect, more than 35% of the sites
4 classified under this section, excluding sites that are contaminated by a hazardous
5 substance other than a petroleum product or an additive to a petroleum product, are
6 classified as high-risk sites, the department of commerce shall revise the rules using
7 the procedure for promulgating the rules in par. (a).

8 **SECTION 1998ac.** 101.144 (3m) (a) 3. of the statutes is amended to read:

9 101.144 (3m) (a) 3. Establishes ~~procedures, standards and schedules~~ for
10 determining whether the site of a discharge of a petroleum product from a petroleum
11 storage tank is classified as ~~high priority~~, medium ~~priority risk~~ or low ~~priority risk~~
12 and establishes procedures and schedules for classifying sites of discharges of
13 petroleum products from petroleum storage tanks.

14 **SECTION 1998af.** 101.63 (3m) of the statutes is created to read:

15 101.63 (3m) Contract with a private organization to provide education
16 regarding construction standards and inspection requirements under this
17 subchapter and under rules promulgated under this subchapter to builders of
18 dwellings in this state. The department may only contract with an organization
19 under this subsection if the organization is described in section 501 (c) (6) of the
20 Internal Revenue Code and is exempt from federal income tax under section 501 (a)
21 of the Internal Revenue Code.

22 **SECTION 1998ak.** 101.651 (title) of the statutes is amended to read:

23 **101.651 (title) Certain municipalities ~~excepted~~ exempted.**

24 **SECTION 1998ap.** 101.651 (1) (title) of the statutes is created to read:

25 101.651 (1) (title) DEFINITION.

1 **SECTION 1998as.** 101.651 (2) of the statutes is repealed.

2 **SECTION 1998av.** 101.651 (2m) of the statutes is created to read:

3 101.651 (2m) EXEMPTION BY RESOLUTION. A municipality shall exercise
4 jurisdiction over the construction and inspection of new one- and 2-family dwellings
5 by enacting ordinances under s. 101.65 (1) (a) or shall exercise the jurisdiction
6 granted under s. 101.65 (1) (a) jointly under s. 101.65 (1) (b), unless any of the
7 following conditions are met:

8 (a) The municipality adopts a resolution requesting under sub. (3) (a) that a
9 county enforce this subchapter or an ordinance enacted under s. 101.65 (1) (a)
10 throughout the municipality and that a county provide inspection services in the
11 municipality to administer and enforce this subchapter or an ordinance enacted
12 under s. 101.65 (1) (a).

13 (b) The municipality adopts a resolution determining not to exercise
14 jurisdiction over the construction and inspection of new one- and 2-family dwellings
15 under s. 101.65 (1) (a), not to exercise jurisdiction jointly under s. 101.65 (1) (b), not
16 to request under sub. (3) (a) that a county enforce this subchapter or an ordinance
17 enacted under s. 101.65 (1) (a) throughout the municipality and not to request under
18 sub. (3) (a) that ^{remove space?} a county provide inspection services in the municipality to
19 administer and enforce this subchapter or an ordinance enacted under s. 101.65 (1)
20 (a).

21 (c) Under sub. (3) (b), the department enforces this subchapter or an ordinance
22 enacted under s. 101.65 (1) (a) throughout the municipality and provides inspection
23 services in the municipality to administer and enforce this subchapter or an
24 ordinance enacted under s. 101.65 (1) (a).

25 **SECTION 1998aw.** 101.651 (3) (title) of the statutes is created to read:

1 101.651 (3) (title) DEPARTMENTAL AND COUNTY AUTHORITY IN MUNICIPALITIES;
2 GENERALLY.

3 **SECTION 1998ax.** 101.651 (3) of the statutes is renumbered 101.651 (3) (a) and
4 amended to read:

5 101.651 (3) (a) Except as provided in par. (b) or sub. (3m) or (3s), the department
6 or a county may not enforce this subchapter or an ordinance enacted under s. 101.65
7 (1) (a) or provide inspection services in a municipality unless requested to do so by
8 a person with respect to a particular dwelling or by the municipality. A request by
9 a person or a municipality with respect to a particular dwelling does not give the
10 department or a county authority with respect to any other dwelling. Costs shall be
11 collected under s. 101.65 (1) (c) or ss. 101.63 (9) and 101.65 (2) from ~~the a~~ person or
12 municipality making ~~the a~~ request under this subsection.

13 **SECTION 1998az.** 101.651 (3) (b) of the statutes is created to read:

14 101.651 (3) (b) The department shall provide inspection services and shall
15 enforce this subchapter or an ordinance enacted under s. 101.65 (1) (a) throughout
16 any municipality that does not exercise jurisdiction under sub. (2m) and that has not
17 adopted a resolution under sub. (2m) (a) or (b).

18 **SECTION 1998bc.** 101.651 (3m) (title) of the statutes is created to read:

19 101.651 (3m) (title) AUTHORITY OVER EROSION CONTROL IN TOWNS,
20 UNINCORPORATED AREAS AND CERTAIN EXEMPTED MUNICIPALITIES.

21 **SECTION 1998bg.** 101.651 (3m) of the statutes is renumbered 101.651 (3m) (a)
22 and amended to read:

23 101.651 (3m) (a) The department may enforce s. 101.653 in a municipality that
24 ~~does not perform or contract for inspection services under s. 101.65 (1) (a) or (b)~~
25 adopts a resolution under sub. (2m) (b). A county may enforce those provisions of an

1 ordinance enacted under s. 101.65 (1) (a) related to construction site erosion in any
2 city or village that ~~does not perform or contract for inspection services under s. 101.65~~
3 ~~(1) (a) or (b)~~ adopts a resolution under sub. (2m) (b). The department or the county
4 shall collect a fee for the inspection services under this subsection.

5 **SECTION 1998bL.** 101.651 (3s) of the statutes is renumbered 101.651 (3m) (b).

6 **SECTION 1998bp.** 101.651 (4) (title) of the statutes is created to read:

7 101.651 (4) (title) DATA RELATING TO HOUSING STARTS IN MUNICIPALITIES.

8 **SECTION 1998bt.** 101.651 (5) (title) of the statutes is created to read:

9 101.651 (5) (title) EFFECT OF SECTION ON CERTAIN LAWS.

10 **SECTION 1998bx.** 101.651 (6) (title) of the statutes is created to read:

11 101.651 (6) (title) ENERGY CONSERVATION RULES; CONTINUING EFFECT.

12 **SECTION 1998cc.** 101.91 (1) of the statutes is renumbered 101.91 (2e).

13 **SECTION 1998cg.** 101.91 (1g), (1m), (2g) and (2m) of the statutes are created
14 to read:

15 101.91 (1g) "Delivery date" means the date on which a mobile home is
16 physically delivered to the site chosen by the mobile home owner.

17 (1m) "License period" means the period during which a license issued under
18 s. 101.951 or 101.952 is effective, as established by the department under s. 101.951
19 (2) (b) 1. or 101.952 (2) (b) 1.

20 (2g) "Mobile home dealer" means a person who, for a commission or other thing
21 of value, sells, exchanges, buys or rents, or offers or attempts to negotiate a sale or
22 exchange of an interest in, mobile homes or who is engaged wholly or partially in the
23 business of selling mobile homes, whether or not the mobile homes are owned by the
24 person, but does not include:

1 (a) A receiver, trustee, administrator, executor, guardian or other person
2 appointed by or acting under the judgment or order of any court.

3 (b) Any public officer while performing that officer's official duty.

4 (c) Any employe of a person enumerated in par. (a) or (b).

5 (d) Any lender, as defined in s. 421.301 (22).

6 (e) A person transferring a mobile home used for that person's personal, family
7 or household purposes, if the transfer is an occasional sale and is not part of the
8 business of the transferor.

9 (2m) "Mobile home owner" means any person who purchases, or leases from
10 another, a mobile home primarily for use for personal, family or household purposes.

11 **SECTION 1998cL.** 101.91 (3) of the statutes is amended to read:

12 101.91 (3) "Mobile home park" ~~has the meaning given in s. 66.058 (1) (e)~~ means
13 any plot or plots of ground upon which 3 or more mobile homes or manufactured
14 homes that are occupied for dwelling or sleeping purposes are located. "Mobile home
15 park" does not include a farm where the occupants of the mobile homes or
16 manufactured homes are the father, mother, son, daughter, brother or sister of the
17 farm owner or operator or where the occupants of the mobile homes or manufactured
18 homes work on the farm.

19 **SECTION 1998cp.** 101.91 (4), (5) and (6) of the statutes are created to read:

20 101.91 (4) "Mobile home salesperson" means any person who is employed by
21 a mobile home manufacturer or mobile home dealer to sell or lease mobile homes.

22 (5) "New mobile home" means a mobile home that has never been occupied,
23 used or sold for personal or business use.

24 (6) "Used mobile home" means a mobile home that has previously been
25 occupied, used or sold for personal or business use.

1 **SECTION 1998ct.** 101.92 (9) of the statutes is created to read:

2 101.92 (9) Shall promulgate rules and establish standards necessary to carry
3 out the purposes of ss. 101.953 and 101.954.

4 **SECTION 1998cx.** 101.9202 of the statutes is created to read:

5 **101.9202 Excepted liens and security interests.** Sections 101.9203 to
6 101.9218 do not apply to or affect:

7 (1) A lien given by statute or rule of law to a supplier of services or materials
8 for the mobile home.

9 (2) A lien given by statute to the United States, this state or any political
10 subdivision of this state.

11 (3) A security interest in a mobile home created by a mobile home dealer or
12 manufacturer who holds the mobile home for sale, which shall be governed by the
13 applicable provisions of ch. 409.

14 **SECTION 1998gc.** 101.9203 of the statutes is created to read:

15 **101.9203 When certificate of title required.** (1) The owner of a mobile
16 home situated in this state or intended to be situated in this state shall make
17 application for certificate of title under s. 101.9209 for the mobile home if the owner
18 has newly acquired the mobile home.

19 (2) Any owner who situates in this state a mobile home for which a certificate
20 of title is required without such certificate having been issued or applied for, knowing
21 that the certificate of title has not been issued or applied for, may be required to
22 forfeit not more than \$200. A certificate is considered to have been applied for when
23 the application accompanied by the required fee has been delivered to the
24 department or deposited in the mail properly addressed and with postage prepaid.

1 (3) Unless otherwise authorized by rule of the department, a nonresident
2 owner of a mobile home situated in this state may not apply for a certificate of title
3 under this subchapter unless the mobile home is subject to a security interest or
4 except as provided in s. 101.9209 (1) (a).

5 **SECTION 1998gg.** 101.9204 of the statutes is created to read:

6 **101.9204 Application for certificate of title.** (1) An application for a
7 certificate of title shall be made to the department upon a form or in an automated
8 format prescribed by it and shall be accompanied by the required fee. Each
9 application for certificate of title shall include the following information:

10 (a) The name and address of the owner.

11 (b) A description of the mobile home, including make, model, identification
12 number and any other information or documentation that the department may
13 reasonably require for proper identification of the mobile home.

14 (c) The date of purchase by the applicant, the name and address of the person
15 from whom the mobile home was acquired and the names and addresses of any
16 secured parties in the order of their priority.

17 (d) If the mobile home is a new mobile home being titled for the first time, the
18 signature of the mobile home dealer. The document of origin shall contain the
19 information specified by the department.

20 (e) Any further evidence of ownership which the department may reasonably
21 require to enable it to determine whether the owner is entitled to a certificate of title
22 and the existence or nonexistence of security interests in the mobile home.

23 (f) If the identification number of the mobile home has been removed,
24 obliterated or altered, or if the original casting has been replaced, or if the mobile

1 home has not been numbered by the manufacturer, the application for certificate of
2 title shall so state.

3 (g) If the mobile home is a used mobile home which was last previously titled
4 in another jurisdiction, the applicant shall furnish any certificate of ownership
5 issued by the other jurisdiction and a statement pertaining to the title history and
6 ownership of the mobile home, such statement to be in the form that the department
7 prescribes.

8 (1m) On the form or in the automated format for application for a certificate
9 of title, the department may show the fee under s. 101.9208 (1) (dm) separately from
10 the fee under s. 101.9208 (1) (a) or (d).

11 (2) Any person who knowingly makes a false statement in an application for
12 a certificate of title may be fined not more than \$5,000 or imprisoned for not more
13 than 5 years or both.

14 **SECTION 1998gL.** 101.9205 of the statutes is created to read:

15 **101.9205 When department to issue certificate and to whom;**
16 **maintenance of records.** (1) The department shall maintain a record of each
17 application for certificate of title received by it and, when satisfied as to its
18 genuineness and regularity and that the applicant is entitled to the issuance of a
19 certificate of title, shall issue and deliver a certificate to the owner of the mobile
20 home.

21 (2) The department shall maintain a record of all applications, and all
22 certificates of title issued by the department, indexed in the following manners:

23 (a) According to title number.

24 (b) Alphabetically, according to the name of the owner.

25 (c) In any other manner which the department determines to be desirable.

1 **(3)** The department shall charge a fee of not less than \$2 for conducting a file
2 search of mobile home title records.

3 **SECTION 1998gp.** 101.9206 of the statutes is created to read:

4 **101.9206 Contents of certificate of title. (1)** Each certificate of title issued
5 by the department shall contain all of the following:

6 (a) The name and address of the owner.

7 (b) The names of any secured parties in the order of priority as shown on the
8 application or, if the application is based on another certificate of title, as shown on
9 that certificate.

10 (c) The title number assigned to the mobile home.

11 (d) A description of the mobile home, including make, model and identification
12 number.

13 (e) Any other data which the department considers pertinent and desirable.

14 **(2)** (a) The certificate of title shall contain spaces for all of the following:

15 1. Assignment and warranty of title by the owner.

16 2. Reassignment and warranty of title by a mobile home dealer.

17 (b) The certificate of title may contain spaces for application for a certificate of
18 title by a transferee and for the naming of a secured party and the assignment or
19 release of a security interest.

20 **(3)** (a) Unless the applicant fulfills the requirements of par. (b), the department
21 shall issue a distinctive certificate of title for a mobile home last previously registered
22 in another jurisdiction if the laws of the other jurisdiction do not require that secured
23 parties be named on a certificate of title to perfect their security interests. The
24 certificate shall contain the legend "This mobile home may be subject to an
25 undisclosed security interest" and may contain any other information that the

1 department prescribes. If the department receives no notice of a security interest in
2 the mobile home within 4 months from the issuance of the distinctive certificate of
3 title, the department shall, upon application and surrender of the distinctive
4 certificate, issue a certificate of title in ordinary form.

5 (b) The department may issue a nondistinctive certificate of title if the
6 applicant fulfills either of the following requirements:

7 1. The applicant is a mobile home dealer and is financially responsible as
8 substantiated by the last financial statement on file with the department, a finance
9 company licensed under s. 138.09, a bank organized under the laws of this state, or
10 a national bank located in this state.

11 2. The applicant has filed with the department a bond in the form prescribed
12 by the department and executed by the applicant, and either accompanied by the
13 deposit of cash with the department or also executed by a person authorized to
14 conduct a surety business in this state. The bond shall be in an amount equal to 1.5
15 times the value of the mobile home as determined by the department and conditioned
16 to indemnify any prior owner and secured party and any subsequent purchaser of the
17 mobile home or person acquiring any security interest in it, and their respective
18 successors in interest, against any expense, loss or damage, including reasonable
19 attorney fees, by reason of the issuance of the certificate of title of the mobile home
20 or on account of any defect in or undisclosed security interest upon the right, title and
21 interest of the applicant in and to the mobile home. Any such interested person has
22 a right of action to recover on the bond for any breach of its conditions, but the
23 aggregate liability of the surety to all persons shall not exceed the amount of the
24 bond. The bond, and any deposit accompanying it, shall be returned at the end of 5

1 years or prior thereto if, apart from this section, a nondistinctive certificate of title
2 could then be issued for the mobile home.

3 (4) A certificate of title issued by the department is prima facie evidence of the
4 facts appearing on it.

5 (5) The department may issue a certificate of title in an automated format.

6 **SECTION 1998gt.** 101.9207 of the statutes is created to read:

7 **101.9207 Lost, stolen or mutilated certificates.** (1) If a certificate of title
8 is lost, stolen, mutilated or destroyed or becomes illegible, the owner or legal
9 representative of the owner named in the certificate, as shown by the records of the
10 department, shall promptly make application for and may obtain a replacement
11 upon furnishing information satisfactory to the department. The replacement
12 certificate of title shall contain the legend "This is a replacement certificate and may
13 be subject to the rights of a person under the original certificate".

14 (2) A person recovering an original certificate of title for which a replacement
15 has been issued shall promptly surrender the original certificate to the department.

16 **SECTION 1998gx.** 101.9208 of the statutes is created to read:

17 **101.9208 Fees.** (1) The department shall be paid the following fees:

18 (a) For filing an application for the first certificate of title, \$8.50, by the owner
19 of the mobile home.

20 (b) Upon filing an application under sub. (1) or (4) before the first day of the
21 2nd month beginning after the effective date of this subsection [revisor inserts
22 date], an environmental impact fee of \$5, by the person filing the application. Upon
23 filing an application under sub. (1) or (4) on or after the first day of the 2nd month
24 beginning after the effective date of this subsection [revisor inserts date], an
25 environmental impact fee of \$6, by the person filing the application. All moneys

1 collected under this subsection shall be credited to the environmental fund for
2 environmental management.

3 (c) For the original notation and subsequent release of each security interest
4 noted upon a certificate of title, a single fee of \$4 by the owner of the mobile home.

5 (d) For a certificate of title after a transfer, \$8.50, by the owner of the mobile
6 home.

7 (dm) Upon filing an application under par. (a) or (d), a supplemental title fee
8 of \$7.50 by the owner of the mobile home, except that this fee shall be waived with
9 respect to an application under par. (d) for transfer of a decedent's interest in a mobile
10 home to his or her surviving spouse. The fee specified under this paragraph is in
11 addition to any other fee specified in this section.

12 (f) For each assignment of a security interest noted upon a certificate of title,
13 \$1 by the assignee.

14 (g) For a replacement certificate of title, \$8, by the owner of the mobile home.

15 (h) For processing applications for certificates of title which have a special
16 handling request for fast service, a fee established by the department by rule, which
17 fee shall approximate the cost to the department for providing this special handling
18 service to persons so requesting.

19 (i) For the reinstatement of a certificate of title previously suspended or
20 revoked, \$25.

21 (2) All fees collected under sub. (1), except fees collected under sub. (1)(b), shall
22 be deposited in the transportation fund.

23 **SECTION 1998Lc.** 101.9209 of the statutes is created to read:

24 **101.9209 Transfer of interest in a mobile home.** (1) (a) If an owner
25 transfers an interest in a mobile home, other than by the creation of a security

1 interest, the owner shall, at the time of the delivery of the mobile home, execute an
2 assignment and warranty of title to the transferee in the space provided therefor on
3 the certificate, and cause the certificate to be mailed or delivered to the transferee.

4 (b) Any person who holds legal title of a mobile home with one or more other
5 persons may transfer ownership of the mobile home under this subsection if legal
6 title to the mobile home is held in the names of such persons in the alternative,
7 including a mobile home held in a form designating the holder by the words "(name
8 of one person) or (name of other person)".

9 (2) Promptly after delivery to him or her of the mobile home, the transferee
10 shall execute the application for a new certificate of title in the space provided
11 therefor on the certificate or as the department prescribes, and cause the certificate
12 and application to be mailed or delivered to the department.

13 (3) A transfer by an owner is not effective until the provisions of this section
14 have been complied with. An owner who has delivered possession of the mobile home
15 to the transferee and has complied with the provisions of this section requiring action
16 by him or her is not liable as owner for any damages thereafter resulting from use
17 of the mobile home.

18 (4) Any owner of a mobile home for which a certificate of title has been issued,
19 who upon transfer of the mobile home fails to execute and deliver the assignment and
20 warranty of title required by sub. (1), may be required to forfeit not more than \$500.

21 (5) (a) Any transferee of a mobile home who fails to make application for a new
22 certificate of title immediately upon transfer to him or her of a mobile home may be
23 required to forfeit not more than \$200.

24 (b) Any transferee of a mobile home who, with intent to defraud, fails to make
25 application for a new certificate of title immediately upon transfer to him or her of

1 a mobile home may be fined not more than \$1,000 or imprisoned for not more than
2 30 days or both.

3 (c) A certificate is considered under this subsection to have been applied for
4 when the application accompanied by the required fee has been delivered to the
5 department or deposited in the mail properly addressed with postage prepaid.

6 **SECTION 1998Lg.** 101.921 of the statutes is created to read:

7 **101.921 Transfer to or from dealer.** (1) (a) Except as provided in par. (b),
8 if a mobile home dealer acquires a mobile home and holds it for resale or accepts a
9 mobile home for sale on consignment, the mobile home dealer may not submit to the
10 department the certificate of title or application for certificate of title naming the
11 mobile home dealer as owner of the mobile home. Upon transferring the mobile home
12 to another person, the mobile home dealer shall immediately give the transferee, on
13 a form prescribed by the department, a receipt for all title, security interest and sales
14 tax moneys paid to the mobile home dealer for transmittal to the department when
15 required. The mobile home dealer shall promptly execute the assignment and
16 warranty of title, showing the name and address of the transferee and of any secured
17 party holding a security interest created or reserved at the time of the resale or sale
18 on consignment, in the spaces provided therefor on the certificate or as the
19 department prescribes. Within 7 business days following the sale or transfer, the
20 mobile home dealer shall mail or deliver the certificate or application for certificate
21 to the department with the transferee's application for a new certificate. A
22 nonresident who purchases a mobile home from a mobile home dealer in this state
23 may not, unless otherwise authorized by rule of the department, apply for a
24 certificate of title issued for the mobile home in this state unless the mobile home
25 dealer determines that a certificate of title is necessary to protect the interests of a

1 secured party. The mobile home dealer is responsible for determining whether a
2 certificate of title and perfection of security interest is required. The mobile home
3 dealer is liable for any damages incurred by the department or any secured party for
4 the mobile home dealer's failure to perfect a security interest which the mobile home
5 dealer had knowledge of at the time of sale.

6 (b) Except when all available spaces for a mobile home dealer's reassignment
7 on a certificate of title have been completed or as otherwise authorized by rules of the
8 department, a mobile home dealer who acquires a mobile home and holds it for resale
9 or accepts a mobile home for sale on consignment may not apply for a certificate of
10 title naming the mobile home dealer as owner of the mobile home.

11 (c) Unless exempted by rule of the department, a mobile home dealer who
12 acquires a mobile home and holds it for resale shall make application for a certificate
13 of title naming the mobile home dealer as owner of the mobile home when all of the
14 available spaces for a mobile home dealer's reassignment on the certificate of title
15 for such mobile home have been completed.

16 (2) Every mobile home dealer shall maintain for 5 years a record of every mobile
17 home bought, sold or exchanged, or received for sale or exchange. The record shall
18 be open to inspection by a representative of the department or by a peace officer
19 during reasonable business hours. The dealer shall maintain the record in the form
20 prescribed by the department.

21 (3) Any mobile home dealer who fails to comply with this section may be
22 required to forfeit not more than \$200.

23 **SECTION 1998LL.** 101.9211 of the statutes is created to read:

24 **101.9211 Involuntary transfers.** (1) If the interest of an owner in a mobile
25 home passes to another other than by voluntary transfer, the transferee shall, except

1 as provided in sub. (2), promptly mail or deliver to the department the last certificate
2 of title, if available, and the documents required by the department to legally effect
3 such transfer, and an application for a new certificate in the form that the
4 department prescribes.

5 (2) If the interest of the owner is terminated or the mobile home is sold under
6 a security agreement by a secured party named in the certificate of title, the
7 transferee shall promptly mail or deliver to the department the last certificate of
8 title, an application for a new certificate in the form that the department prescribes,
9 and a statement made by or on behalf of the secured party that the mobile home was
10 repossessed and that the interest of the owner was lawfully terminated or sold under
11 the terms of the security agreement.

12 (3) A person holding a certificate of title whose interest in the mobile home has
13 been extinguished or transferred other than by voluntary transfer shall mail or
14 deliver the certificate to the department upon request of the department. The
15 delivery of the certificate pursuant to the request of the department does not affect
16 the rights of the person surrendering the certificate, and the action of the department
17 in issuing a new certificate of title is not conclusive upon the rights of an owner or
18 secured party named in the old certificate.

19 (4) (a) In all cases of the transfer of a mobile home owned by a decedent, except
20 under par. (b), ward, trustee or bankrupt, the department shall accept as sufficient
21 evidence of the transfer of ownership all of the following:

22 1. Evidence satisfactory to the department of the issuance of the letters of
23 administration, letters testamentary, letters of guardianship, letters of trust or
24 appointment of the trustee in bankruptcy.

25 2. The title executed by such administrator, executor, guardian or trustee.

1 (b) 1. The department shall transfer the decedent's interest in any mobile home
2 to his or her surviving spouse upon receipt of the title executed by the surviving
3 spouse and a statement by the spouse which shall state all of the following:

4 a. The date of death of the decedent.

5 b. The approximate value and description of the mobile home.

6 c. That the spouse is personally liable for the decedent's debts and charges to
7 the extent of the value of the mobile home, subject to s. 859.25.

8 2. The transfer shall not affect any liens upon the mobile home.

9 3. Except as provided in subd. 4., this paragraph is limited to no more than 5
10 mobile homes titled in this state that are less than 20 years old at the time of the
11 transfer under this paragraph. There is no limit on transfer under this paragraph
12 of mobile homes titled in this state that are 20 or more years old at the time of transfer
13 under this paragraph.

14 4. The limit in subd. 3. does not apply if the surviving spouse is proceeding
15 under s. 867.03 (1g) and the total value of the decedent's solely owned property in the
16 state, including the mobile homes transferred under this paragraph, does not exceed
17 \$10,000.

18 (c) Upon compliance with this subsection, the department shall bear neither
19 liability nor responsibility for the transfer of such mobile homes in accordance with
20 this section.

21 (d) This subsection does not apply to transfer of interest in a mobile home under
22 s. 101.9209 (1) (b).

23 **SECTION 1998Lp.** 101.9212 of the statutes is created to read:

24 **101.9212 When department to issue a new certificate.** (1) The
25 department, upon receipt of a properly assigned certificate of title, with an

1 application for a new certificate of title, the required fee and any other transfer
2 documents required by law, to support the transfer, shall issue a new certificate of
3 title in the name of the transferee as owner.

4 (2) The department, upon receipt of an application for a new certificate of title
5 by a transferee other than by voluntary transfer, with proof of the transfer, the
6 required fee and any other documents required by law, shall issue a new certificate
7 of title in the name of the transferee as owner. If the transfer constituted a
8 termination of the owner's interest or a sale under a security agreement by a secured
9 party named in the certificate, under s. 101.9211 (2), the new certificate shall be
10 issued free of the names and addresses of the secured party who terminated the
11 owner's interest and of all secured parties subordinate under s. 101.9213 to such
12 secured party. If the outstanding certificate of title is not delivered to it, the
13 department shall make demand therefor from the holder of such certificate.

14 (3) The department shall retain for 5 years a record of every surrendered
15 certificate of title, the record to be maintained so as to permit the tracing of title of
16 the mobile home designated therein.

17 **SECTION 1998Lt.** 101.9213 of the statutes is created to read:

18 **101.9213 Perfection of security interests.** (1) Unless excepted by s.
19 101.9202, a security interest in a mobile home of a type for which a certificate of title
20 is required is not valid against creditors of the owner or subsequent transferees or
21 secured parties of the mobile home unless perfected as provided in ss. 101.9202 to
22 101.9218.

23 (2) Except as provided in sub. (3), a security interest is perfected by the delivery
24 to the department of the existing certificate of title, if any, an application for a
25 certificate of title containing the name and address of the secured party, and the

1 required fee. The security interest is perfected as of the time of its creation if such
2 delivery is completed within 10 days after the time that the security interest is
3 created, and without regard to the limitations expressed in s. 409.301 (2). If the
4 delivery is not completed within 10 days after the time that the security interest is
5 created, the security interest is perfected as of the time of such delivery.

6 (3) If a secured party whose name and address is contained on the certificate
7 of title for a mobile home acquires a new or additional security interest in the mobile
8 home, such security interest is perfected at the time of its attachment under s.
9 409.203.

10 (4) An unperfected security interest is subordinate to the rights of persons
11 described in s. 409.301.

12 (5) The rules of priority stated in s. 409.312, and the other sections therein
13 referred to, shall, to the extent appropriate, apply to conflicting security interests in
14 a mobile home of a type for which a certificate of title is required, or in a previously
15 certificated mobile home, as defined in s. 101.9222 (1). A security interest perfected
16 under this section or under s. 101.9222 (4) or (5) is a security interest perfected
17 otherwise than by filing for purposes of s. 409.312.

18 (6) The rules stated in ss. 409.501 to 409.507 governing the rights and duties
19 of secured parties and debtors and the requirements for, and effect of, disposition of
20 a mobile home by a secured party, upon default shall, to the extent appropriate,
21 govern the rights of secured parties and owners with respect to security interests in
22 mobile homes perfected under ss. 101.9202 to 101.9218.

23 (7) If a mobile home is subject to a security interest when brought into this
24 state, s. 409.103 (1), (2) and (3) states the rules which apply to determine the validity
25 and perfection of the security interest in this state.

1 (8) Upon request of a person who has perfected a security interest under this
2 section, as shown by the records of the department, in a mobile home titled in this
3 state, whenever the department receives information from another state that the
4 mobile home is being titled in the other state and the information does not show that
5 the security interest has been satisfied, the department shall notify the person. The
6 person shall pay the department a \$2 fee for each notification.

7 **SECTION 1998Lx.** 101.9214 of the statutes is created to read:

8 **101.9214 Duties on creation of security interest.** If an owner creates a
9 security interest in a mobile home, unless the name and address of the secured party
10 already is contained on the certificate of title for the mobile home:

11 (1) The owner shall immediately execute, in the space provided therefor on the
12 certificate of title or on a separate form or in an automated format prescribed by the
13 department, an application to name the secured party on the certificate, showing the
14 name and address of the secured party, and cause the certificate, application and the
15 required fee to be delivered to the secured party.

16 (2) The secured party shall immediately cause the certificate, the application
17 and the required fee to be mailed or delivered to the department.

18 (3) Upon receipt of the certificate of title, the application and the required fee,
19 the department shall issue to the owner a new certificate containing the name and
20 address of the new secured party. The department shall deliver to the new secured
21 party and to the register of deeds of the county of the owner's residence memoranda,
22 in such form as the department prescribes, evidencing the notation of the security
23 interest upon the certificate; and thereafter, upon any assignment, termination or
24 release of the security interest, additional memoranda evidencing such action.

1 (4) The register of deeds may record, and maintain a file of, all memoranda
2 received from the department under sub. (3). Such recording, however, is not
3 required for perfection, release or assignment of security interests, which shall be
4 effective upon compliance with ss. 101.9213 (2), 101.9215 and 101.9216 (1) and (2).

5 **SECTION 1998pc.** 101.9215 of the statutes is created to read:

6 **101.9215 Assignment of security interest.** (1) A secured party may assign,
7 absolutely or otherwise, the party's security interest in the mobile home to a person
8 other than the owner without affecting the interest of the owner or the validity of the
9 security interest, but any person without notice of the assignment is protected in
10 dealing with the secured party as the holder of the security interest and the secured
11 party remains liable for any obligations as a secured party until the assignee is
12 named as secured party on the certificate.

13 (2) The assignee may but need not, to perfect the assignment, have the
14 certificate of title endorsed or issued with the assignee named as secured party, upon
15 delivering to the department the certificate and an assignment by the secured party
16 named in the certificate in the form that the department prescribes.

17 **SECTION 1998pg.** 101.9216 of the statutes is created to read:

18 **101.9216 Release of security interest.** (1) Within one month or within 10
19 days following written demand by the debtor after there is no outstanding obligation
20 and no commitment to make advances, incur obligations or otherwise give value,
21 secured by the security interest in a mobile home under any security agreement
22 between the owner and the secured party, the secured party shall execute and deliver
23 to the owner, as the department prescribes, a release of the security interest in the
24 form and manner prescribed by the department and a notice to the owner stating in
25 no less than 10-point boldface type the owner's obligation under sub. (2). If the

1 secured party fails to execute and deliver the release and notice of the owner's
2 obligation as required by this subsection, the secured party is liable to the owner for
3 \$25 and for any loss caused to the owner by the failure.

4 (2) The owner, other than a mobile home dealer holding the mobile home for
5 resale, upon receipt of the release and notice of obligation shall promptly cause the
6 certificate and release to be mailed or delivered to the department, which shall
7 release the secured party's rights on the certificate and issue a new certificate.

8 (3) The department may remove information pertaining to a security interest
9 perfected under s. 101.9213 from its records when 20 years after the original
10 perfection has elapsed unless the security interest is renewed in the same manner
11 as provided in s. 101.9213 (2) for perfection of a security interest.

12 (4) Removal of information pertaining to a security interest from the records
13 of the department under sub. (3) does not affect any security agreement between the
14 owner of a mobile home and the holder of security interest in the mobile home.

15 **SECTION 1998pL.** 101.9217 of the statutes is created to read:

16 **101.9217 Secured party's and owner's duties.** (1) A secured party named
17 in a certificate of title shall, upon written request of the owner or of another secured
18 party named on the certificate, disclose any pertinent information as to the party's
19 security agreement and the indebtedness secured by it.

20 (2) (a) An owner shall promptly deliver the owner's certificate of title to any
21 secured party who is named on it or who has a security interest in the mobile home
22 described in it under any other applicable prior law of this state, upon receipt of a
23 notice from such secured party that the security interest is to be assigned, extended
24 or perfected. Any owner who fails to deliver the certificate of title to a secured party
25 requesting it under this paragraph shall be liable to such secured party for any loss

1 caused to the secured party thereby and may be required to forfeit not more than
2 \$200.

3 (b) No secured party may take possession of any certificate of title except as
4 provided in par. (a). Any person who violates this paragraph may be required to
5 forfeit not more than \$1,000.

6 (3) Any secured party who fails to disclose information under sub. (1) shall be
7 liable for any loss caused to owner thereby.

8 **SECTION 1998pp.** 101.9218 of the statutes is created to read:

9 **101.9218 Method of perfecting exclusive.** The method provided in ss.
10 101.921 to 101.9218 of perfecting and giving notice of security interests subject to ss.
11 101.921 to 101.9218 is exclusive. Security interests subject to ss. 101.921 to 101.9218
12 are hereby exempted from the provisions of law which otherwise require or relate to
13 the filing of instruments creating or evidencing security interests.

14 **SECTION 1998pt.** 101.9219 of the statutes is created to read:

15 **101.9219 Withholding certificate of title; bond. (1)** The department may
16 not issue a certificate of title until the outstanding evidence of ownership is
17 surrendered to the department.

18 (2) If the department is not satisfied as to the ownership of the mobile home
19 or that there are no undisclosed security interests in it, the department, subject to
20 sub. (3), shall either:

21 (a) Withhold issuance of a certificate of title until the applicant presents
22 documents reasonably sufficient to satisfy the department as to the applicant's
23 ownership of the mobile home and that there are no undisclosed security interests
24 in it; or

1 (b) Issue a distinctive certificate of title pursuant to s. 101.9206 (3) or 101.9222
2 (3).

3 (3) Notwithstanding sub. (2), the department may issue a nondistinctive
4 certificate of title if the applicant fulfills either of the following requirements:

5 (a) The applicant is a mobile home dealer licensed under s. 101.951 and is
6 financially responsible as substantiated by the last financial statement on file with
7 the department, a finance company licensed under s. 138.09 or 218.01, a bank
8 organized under the laws of this state, or a national bank located in this state.

9 (b) The applicant has filed with the department a bond in the form prescribed
10 by the department and executed by the applicant, and either accompanied by the
11 deposit of cash with the department or also executed by a person authorized to
12 conduct a surety business in this state. The bond shall be in an amount equal to 1.5
13 times the value of the mobile home as determined by the department and conditioned
14 to indemnify any prior owner and secured party and any subsequent purchaser of the
15 mobile home or person acquiring any security interest in it, and their respective
16 successors in interest, against any expense, loss or damage, including reasonable
17 attorney fees, by reason of the issuance of the certificate of title of the mobile home
18 or on account of any defect in or undisclosed security interest upon the right, title and
19 interest of the applicant in and to the mobile home. Any such interested person has
20 a right of action to recover on the bond for any breach of its conditions, but the
21 aggregate liability of the surety to all persons shall not exceed the amount of the
22 bond. The bond, and any deposit accompanying it, shall be returned at the end of 5
23 years or prior thereto if, apart from this section, a nondistinctive certificate of title
24 could then be issued for the mobile home, or if the currently valid certificate of title

1 for the mobile home is surrendered to the department, unless the department has
2 been notified of the pendency of an action to recover on the bond.

3 **SECTION 1998px.** 101.922 of the statutes is created to read:

4 **101.922 Suspension or revocation of certificate.** (1) The department
5 shall suspend or revoke a certificate of title if it finds any of the following:

6 (a) That the certificate of title was fraudulently procured, erroneously issued
7 or prohibited by law.

8 (b) That the mobile home has been scrapped, dismantled or destroyed.

9 (c) That a transfer of title is set aside by a court of record by order or judgment.

10 (2) Suspension or revocation of a certificate of title does not, in itself, affect the
11 validity of a security interest noted on it.

12 (3) When the department suspends or revokes a certificate of title, the owner
13 or person in possession of it shall, immediately upon receiving notice of the
14 suspension or revocation, mail or deliver the certificate to the department.

15 (4) The department may seize and impound any certificate of title which has
16 been suspended or revoked.

17 **SECTION 1998tc.** 101.9221 of the statutes is created to read:

18 **101.9221 Grounds for refusing issuance of certificate of title.** The
19 department shall refuse issuance of a certificate of title if any required fee has not
20 been paid or for any of the following reasons:

21 (1) The department has reasonable grounds to believe that:

22 (a) The person alleged to be the owner of the mobile is not the owner.

23 (b) The application contains a false or fraudulent statement.

24 (2) The applicant has failed to furnish any of the following:

1 (a) If applicable, the power of attorney required under 15 USC 1988 or rules
2 of the department.

3 (b) Any other information or documents required by law or by the department
4 pursuant to authority of law.

5 (3) The applicant is a mobile home dealer and is prohibited from applying for
6 a certificate of title under s. 101.921 (1) (a) or (b).

7 (4) Except as provided in ss. 101.9203 (3) and 101.921 (1) (a) for a certificate
8 of title and registration for a mobile home owned by a nonresident, the applicant is
9 a nonresident and the issuance of a certificate of title has not otherwise been
10 authorized by rule of the department.

11 **SECTION 1998tg.** 101.9222 of the statutes is created to read:

12 **101.9222 Previously certificated mobile homes.** (1) In this section,
13 “previously certificated mobile home” means a mobile home for which a certificate
14 of title has been issued by the department of transportation prior to July 1, 2000.

15 (2) Sections 101.9213 to 101.9218 do not apply to a previously certificated
16 mobile home until one of the following occurs:

17 (a) There is a transfer of ownership of the mobile home.

18 (b) The department of commerce issues a certificate of title of the mobile home
19 under this chapter.

20 (3) If the department is not satisfied that there are no undisclosed security
21 interests, created before July 1, 2000, in a previously certificated mobile home, the
22 department shall, unless the applicant fulfills the requirements of s. 101.9219 (3),
23 issue a distinctive certificate of title of the mobile home containing the legend “This
24 mobile home may be subject to an undisclosed security interest” and any other
25 information that the department prescribes.

1 (4) After July 1, 2000, a security interest in a previously certificated vehicle
2 may be created and perfected only by compliance with ss. 101.9213 and 101.9218.

3 (5) (a) If a security interest in a previously certificated mobile home is perfected
4 under any other applicable law of this state on July 1, 2000, the security interest
5 continues perfected:

6 1. Until its perfection lapses under the law under which it was perfected, or
7 until its perfection would lapse in the absence of a further filing or renewal of filing,
8 whichever occurs sooner.

9 2. If, before the security interest lapses as described in subd. 1., there is
10 delivered to the department the existing certificate of title together with the
11 application and fee required by s. 101.9214 (1). In such case the department shall
12 issue a new certificate pursuant to s. 101.9214 (3).

13 (b) If a security interest in a previously certificated mobile home was created,
14 but was unperfected, under any other applicable law of this state on July 1, 2000, it
15 may be perfected under par. (a), but such perfection dates only from the date of the
16 department's receipt of the certificate.

17
18

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19 **SECTION 1998tp.** 101.94 (8) (a) of the statutes is amended to read:

20 101.94 (8) (a) ~~-A~~ Except as provided in par. (c), a person who violates this
21 subchapter or, a rule promulgated under this subchapter or an order issued under
22 this subchapter shall forfeit not more than \$1,000 for each violation. Each violation
23 of this subchapter constitutes a separate violation with respect to each
24 manufactured home or mobile home or with respect to each failure or refusal to allow
25 or perform an act required by this subchapter, except the maximum forfeiture under

1 this subsection may not exceed \$1,000,000 for a related series of violations occurring
2 within one year of the first violation.

3 **SECTION 1998tt.** 101.94 (8) (c) of the statutes is created to read:

4 101.94 (8) (c) A person who violates s. 101.935, a rule promulgated under s.
5 101.935 or an order issued under s. 101.935 may be required to forfeit not less than
6 \$10 nor more than \$250 for each violation. Each day of continued violation
7 constitutes a separate violation.

8 **SECTION 1998tx.** 101.951 of the statutes is created to read:

9 **101.951 Mobile home dealers regulated.** (1) No person may engage in the
10 business of selling mobile homes to a consumer or to the retail market in this state
11 unless first licensed to do so by the department as provided in this section.

12 (2) (a) Application for a license or a renewal license shall be made to the
13 department on forms prescribed and furnished by the department, accompanied by
14 the license fee required under par. (c) or (d).

15 (b) 1. The department shall, by rule, establish the license period under this
16 section.

17 2. The department may promulgate rules establishing a uniform expiration
18 date for all licenses issued under this section.

19 (c) Except as provided in par. (d), the fee for a license issued under this section
20 equals \$50 multiplied by the number of years in the license period. The fee shall be
21 prorated if the license period is not evenly divisible into years.

22 (d) If the department issues a license under this section during the license
23 period, the fee for the license shall equal \$50 multiplied by the number of calendar
24 years, including parts of calendar years, during which the license remains in effect.

1 A fee determined under this paragraph may not exceed the license fee for the entire
2 license period under par. (c).

3 (3) The department shall issue a license only to a person whose character,
4 fitness and financial ability, in the opinion of the department, are such as to justify
5 the belief that the person can and will deal with and serve the buying public fairly
6 and honestly, will maintain a permanent office and place of business in this state
7 during the license year and will abide by all of the provisions of law and lawful orders
8 of the department.

9 (5) A licensee shall conduct the licensed business continuously during the
10 license year.

11 (6) The department may deny, suspend or revoke a license on any of the
12 following grounds:

13 (a) Proof of unfitness.

14 (b) A material misstatement in the application for the license.

15 (c) Filing a materially false or fraudulent income or franchise tax return as
16 certified by the department of revenue.

17 (d) Wilful failure to comply with any provision of this section or any rule
18 promulgated by the department under this section.

19 (e) Wilfully defrauding any retail buyer to the buyer's damage.

20 (f) Wilful failure to perform any written agreement with any retail buyer.

21 (g) Failure or refusal to furnish and keep in force any bond required.

22 (h) Having made a fraudulent sale, transaction or repossession.

23 (i) Fraudulent misrepresentation, circumvention or concealment, through any
24 subterfuge or device, of any of the material particulars or the nature thereof required
25 hereunder to be stated or furnished to the retail buyer.

1 (j) Use of fraudulent devices, methods or practices in connection with
2 compliance with the statutes with respect to the retaking of goods under retail
3 instalment contracts and the redemption and resale of such goods.

4 (k) Having indulged in any unconscionable practice relating to said business.

5 (m) Having sold a retail instalment contract to a sales finance company, as
6 defined in s. 218.01 (1) (v), that is not licensed under s. 218.01.

7 (n) Having violated any law relating to the sale, distribution or financing of
8 mobile homes.

9 (7) (a) The department of commerce may, without notice, deny the application
10 for a license within 60 days after receipt thereof by written notice to the applicant,
11 stating the grounds for the denial. Within 30 days after such notice, the applicant
12 may petition the department of administration to conduct a hearing to review the
13 denial, and a hearing shall be scheduled with reasonable promptness. The division
14 of hearings and appeals shall conduct the hearing. This paragraph does not apply
15 to denials of applications for licenses under s. 101.02 (21).

16 (b) No license may be suspended or revoked except after a hearing thereon. The
17 department of commerce shall give the licensee at least 5 days' notice of the time and
18 place of the hearing. The order suspending or revoking such license shall not be
19 effective until after 10 days' written notice thereof to the licensee, after such hearing
20 has been had; except that the department of commerce, when in its opinion the best
21 interest of the public or the trade demands it, may suspend a license upon not less
22 than 24 hours' notice of hearing and with not less than 24 hours' notice of the
23 suspension of the license. Matters involving suspensions and revocations brought
24 before the department of commerce shall be heard and decided upon by the
25 department of administration. The division of hearings and appeals shall conduct

1 the hearing. This paragraph does not apply to licenses that are suspended or revoked
2 under s. 101.02 (21).

3 (c) The department of commerce may inspect the pertinent books, records,
4 letters and contracts of a licensee. The actual cost of each such examination shall
5 be paid by such licensee so examined within 30 days after demand therefor by the
6 department, and the department may maintain an action for the recovery of such
7 costs in any court of competent jurisdiction.

8 (8) Any person who violates any provision of this section shall be fined not less
9 than \$25 nor more than \$100 for each offense.

10 **SECTION 1998xc.** 101.952 of the statutes is created to read:

11 **101.952 Mobile home salespersons regulated.** (1) No person may engage
12 in the business of selling mobile homes to a consumer or to the retail market in this
13 state without a license therefor from the department. If a mobile home dealer acts
14 as a mobile home salesperson the dealer shall secure a mobile home salesperson's
15 license in addition to the license for engaging as a mobile home dealer.

16 (2) (a) Applications for a mobile home salesperson's license and renewals
17 thereof shall be made to the department on such forms as the department prescribes
18 and furnishes and shall be accompanied by the license fee required under par. (c) or
19 (d). The application shall include the applicant's social security number. In addition,
20 the application shall require such pertinent information as the department requires.

21 (b) 1. The department shall, by rule, establish the license period under this
22 section.

23 2. The department may promulgate rules establishing a uniform expiration
24 date for all licenses issued under this section.

1 (c) Except as provided in par. (d), the fee for a license issued under this section
2 equals \$4 multiplied by the number of years in the license period. The fee shall be
3 prorated if the license period is not evenly divisible into years.

4 (d) If the department issues a license under this section during the license
5 period, the fee for the license shall equal \$4 multiplied by the number of calendar
6 years, including parts of calendar years, during which the license remains in effect.
7 A fee determined under this paragraph may not exceed the license fee for the entire
8 license period under par. (c).

9 (3) Every licensee shall carry his or her license when engaged in his or her
10 business and display the same upon request. The license shall name his or her
11 employer, and, in case of a change of employer, the mobile home salesperson shall
12 immediately mail his or her license to the department, which shall endorse that
13 change on the license without charge.

14 (5) The provision of s. 218.01 (3) relating to the denial, suspension and
15 revocation of a motor vehicle salesperson's license shall apply to the denial,
16 suspension and revocation of a mobile home salesperson's license so far as applicable,
17 except that such provision does not apply to the denial, suspension or revocation of
18 a license under s. 101.02 (21) (b).

19 (6) The provisions of s. 218.01 (3) (g) and (5) shall apply to this section, mobile
20 home sales practices and the regulation of mobile home salespersons, as far as
21 applicable.

22 **SECTION 1998xg.** 101.953 of the statutes is created to read:

23 **101.953 Warranty and disclosure.** (1) A one-year written warranty is
24 required for every new mobile home sold, or leased to another, by a mobile home
25 manufacturer, mobile home dealer or mobile home salesperson in this state, and for

1 every new mobile home sold by any person who induces a resident of the state to enter
2 into the transaction by personal solicitation in this state or by mail or telephone
3 solicitation directed to the particular consumer in this state. The warranty shall
4 state all of the following:

5 (a) That the mobile home meets those standards prescribed by law or
6 administrative rule of the department of administration or of the department of
7 commerce, which are in effect at the time of the manufacture of the mobile home.

8 (b) That the mobile home is free from defects in material and workmanship and
9 is reasonably fit for human habitation if it receives reasonable care and maintenance
10 as defined by rule of the department.

11 (c) 1. That the mobile home manufacturer and mobile home dealer shall take
12 corrective action for defects which become evident within one year from the delivery
13 date and as to which the mobile home owner has given notice to the manufacturer
14 or dealer not later than one year and 10 days after the delivery date and at the
15 address set forth in the warranty; and that the mobile home manufacturer and
16 mobile home dealer shall make the appropriate adjustments and repairs, within 30
17 days after notification of the defect, at the site of the mobile home without charge to
18 the mobile home owner. If the mobile home dealer makes the adjustment, the mobile
19 home manufacturer shall fully reimburse the dealer.

20 2. If a repair, replacement, substitution or alteration is made under the
21 warranty and it is discovered, before or after expiration of the warranty period, that
22 the repair, replacement, substitution or alteration has not restored the mobile home
23 to the condition in which it was warranted except for reasonable wear and tear, such
24 failure shall be considered a violation of the warranty and the mobile home shall be
25 restored to the condition in which it was warranted to be at the time of the sale except

1 for reasonable wear and tear, at no cost to the purchaser or the purchaser's assignee
2 notwithstanding that the additional repair may occur after the expiration of the
3 warranty period.

4 (d) That if during any period of time after notification of a defect the mobile
5 home is uninhabitable, as defined by rule of the department, that period of time shall
6 not be considered part of the one-year warranty period.

7 (e) A list of all parts and equipment not covered by the warranty.

8 (2) Action by a lessee to enforce the lessee's rights under this subchapter shall
9 not be grounds for termination of the rental agreement.

10 (3) The warranty required under this section shall apply to the manufacturer
11 of the mobile home as well as to the mobile home dealer who sells or leases the mobile
12 home to the consumer, and shall be in addition to any other rights and privileges that
13 the consumer may have under any instrument or law. The waiver of any remedies
14 under any law and the waiver, exclusion, modification or limitation of any warranty,
15 express or implied, including the implied warranty of merchantability and fitness for
16 a particular purpose, is expressly prohibited. Any such waiver is void.

17 (4) The transfer of a mobile home from one mobile home owner to another
18 during the effective period of the warranty does not terminate the warranty, and
19 subsequent mobile home owners shall be entitled to the full protection of the
20 warranty for the duration of the warranty period as if the original mobile home owner
21 had not transferred the mobile home.

22 **SECTION 1998xL.** 101.954 of the statutes is created to read:

23 **101.954 Sale or lease of used mobile homes.** In the sale or lease of any used
24 mobile home, the sales invoice or lease agreement shall contain the point of

1 manufacture of the used mobile home, the name of the manufacturer and the name
2 and address of the previous mobile home owner.

3 **SECTION 1998xp.** 101.955 of the statutes is created to read:

4 **101.955 Jurisdiction and venue over out-of-state manufacturers. (1)**

5 The importation of a mobile home for sale in this state by an out-of-state
6 manufacturer is considered an irrevocable appointment by that manufacturer of the
7 department of financial institutions to be that manufacturer's true and lawful
8 attorney upon whom may be served all legal processes in any action or proceeding
9 against such manufacturer arising out of the importation of such mobile home into
10 this state.

11 (2) The department of financial institutions upon whom processes and notices
12 may be served under this section shall, upon being served with such process or notice,
13 mail a copy by registered mail to the out-of-state manufacturer at the nonresident
14 address given in the papers so served. The original shall be returned with proper
15 certificate of service attached for filing in court as proof of service. The service fee
16 shall be \$4 for each defendant so served. The department of financial institutions
17 shall keep a record of all such processes and notices, which record shall show the day
18 and hour of service.

19 **SECTION 1998xt.** 101.965 of the statutes is created to read:

20 **101.965 Penalties. (1)** Any person who violates ss. 101.953 to 101.955, or any
21 rule promulgated under ss. 101.953 to 101.955, may be fined not more than \$1,000
22 or imprisoned for not more than 6 months or both.

23 (2) In any court action brought by the department for violations of this
24 subchapter, the department may recover all costs of testing and investigation, in
25 addition to costs otherwise recoverable, if it prevails in the action.

1 **(3)** Nothing in this subchapter prohibits the bringing of a civil action against
2 a mobile home manufacturer, mobile home dealer or mobile home salesperson by an
3 aggrieved consumer. If judgment is rendered for the consumer based on an act or
4 omission by the mobile home manufacturer, mobile home dealer or mobile home
5 salesperson, which constituted a violation of this subchapter, the plaintiff shall
6 recover actual and proper attorney fees in addition to costs otherwise recoverable.

7 **SECTION 1999.** 102.01 (2) (d) of the statutes is amended to read:

8 102.01 **(2)** (d) “Municipality” includes a county, city, town, village, school
9 district, sewer district, drainage district and family care district and other public or
10 quasi-public corporations.

11 **SECTION 2000.** 102.04 (1) (a) of the statutes is amended to read:

12 102.04 **(1)** (a) The state, each county, city, town, village, school district, sewer
13 district, drainage district, family care district and other public or quasi-public
14 corporations therein.

15 **SECTION 2000q.** 102.26 (2m) of the statutes is repealed.

16 **SECTION 2000m.** 102.17 (1) (cg) 1. of the statutes is amended to read:

17 102.17 **(1)** (cg) 1. ~~The~~ Except as provided in subd. 2m., the department shall
18 require each applicant for a license under par. (c) who is an individual to provide the
19 department with the applicant’s social security number, and shall require each
20 applicant for a license under par. (c) who is not an individual to provide the
21 department with the applicant’s federal employer identification number, when
22 initially applying for or applying to renew the license.

23 **SECTION 2000n.** 102.17 (1) (cg) 2. of the statutes is amended to read:

24 102.17 **(1)** (cg) 2. ~~The~~ If an applicant who is an individual fails to provide the
25 applicant’s social security number to the department or if an applicant who is not an

1 individual fails to provide the applicant's federal employer identification number to
2 the department, the department may not issue or renew a license under par. (c) to
3 or for an the applicant who is an individual unless the applicant has provided the
4 applicant's is an individual who does not have a social security number to the
5 department and may not issue or renew a license under par. (e) to or for an applicant
6 who is not an individual unless the applicant has provided the applicant's federal
7 employer identification number to the department and the applicant submits a
8 statement made or subscribed under oath or affirmation as required under subd. 2m.

9 **SECTION 2000p.** 102.17 (1) (cg) 2m. of the statutes is created to read:

10 102.17 (1) (cg) 2m. If an applicant who is an individual does not have a social
11 security number, the applicant shall submit a statement made or subscribed under
12 oath or affirmation to the department that the applicant does not have a social
13 security number. The form of the statement shall be prescribed by the department.
14 A license issued in reliance upon a false statement submitted under this subdivision
15 is invalid.

16 **SECTION 2002.** 102.27 (2) (a) of the statutes is amended to read:

17 102.27 (2) (a) A benefit under this chapter is assignable under s. 46.10 (14) (e),
18 301.12 (14) (e), 767.23 (1) (L), 767.25 (4m) (c), 767.265 (1) or (2m), 767.51 (3m) (c) or
19 767.62 (4) (b) 3.

20 **SECTION 2002c.** 102.27 (2) (a) of the statutes, as affected by 1999 Wisconsin Act
21 (this act), is amended to read:

22 102.27 (2) (a) A benefit under this chapter is assignable under s. 46.10 (14) (e),
23 301.12 (14) (e), 767.23 (1) (L), 767.25 (4m) (c), or 767.265 (1) or (2m), ~~767.51 (3m) (e)~~
24 ~~or 767.62 (4) (b) 3.~~

25 **SECTION 2003.** 102.29 (9) of the statutes is amended to read:

1 102.29 (9) No participant in a work experience component of a job opportunities
2 and basic skills program who, under s. 49.193 (6) (a), is 1997 stats., was considered
3 to be an employe of the agency administering that program, or who, under s. 49.193
4 (6) (a), is 1997 stats., was provided worker's compensation coverage by the person
5 administering the work experience component, and who makes a claim for
6 compensation under this chapter may make a claim or maintain an action in tort
7 against the employer who provided the work experience from which the claim arose.
8 This subsection does not apply to injuries occurring after February 28, 1998.

9 **SECTION 2003m.** 102.42 (6) of the statutes is amended to read:

10 102.42 (6) TREATMENT REJECTED BY EMPLOYE. Unless the employe shall have
11 elected Christian Science treatment in lieu of medical, surgical, dental, or hospital
12 ~~or sanatorium~~ treatment, no compensation shall be payable for the death or
13 disability of an employe, if the death be caused, or insofar as the disability may be
14 aggravated, caused or continued by an unreasonable refusal or neglect to submit to
15 or follow any competent and reasonable medical, surgical or dental treatment or, in
16 the case of tuberculosis, by refusal or neglect to submit to or follow hospital ~~or~~
17 ~~sanatorium~~ or medical treatment when found by the department to be necessary.
18 The right to compensation accruing during a period of refusal or neglect to submit
19 to or follow hospital ~~or sanatorium~~ or medical treatment when found by the
20 department to be necessary in the case of tuberculosis shall be barred, irrespective
21 of whether disability was aggravated, caused or continued thereby.

22 **SECTION 2005.** 103.001 (6) of the statutes is amended to read:

23 103.001 (6) "Employer" means any person, firm, corporation, state, county,
24 town, city, village, school district, sewer district, drainage district, family care
25 district and other public or quasi-public corporations as well as any agent, manager,

1 representative or other person having control or custody of any employment, place
2 of employment or of any employe.

3 **SECTION 2005c.** 103.275 (2) (bg) 1. of the statutes is amended to read:

4 103.275 (2) (bg) 1. ~~The~~ Except as provided in subd. 2m., the department shall
5 require each applicant for a house-to-house employer certificate under this
6 subsection who is an individual to provide the department with the applicant's social
7 security number, and shall require each applicant for a house-to-house employer
8 certificate who is not an individual to provide the department with the applicant's
9 federal employer identification number, when initially applying for or applying to
10 renew the house-to-house employer certificate.

11 **SECTION 2005d.** 103.275 (2) (bg) 2. of the statutes is amended to read:

12 103.275 (2) (bg) 2. The If an applicant who is an individual fails to provide the
13 applicant's social security number to the department or if an applicant who is not an
14 individual fails to provide the applicant's federal employer identification number to
15 the department, the department may not issue or renew a house-to-house employer
16 certificate under this subsection to or for ~~an~~ the applicant who is an individual unless
17 the applicant ~~has provided the applicant's~~ is an individual who does not have a social
18 ~~security number to the department and may not issue or renew a house-to-house~~
19 ~~employer certificate under this subsection to or for an applicant who is not an~~
20 ~~individual unless the applicant has provided the applicant's federal employer~~
21 ~~identification number to the department and the applicant submits a statement~~
22 made or subscribed under oath or affirmation as required under subd. 2m.

23 **SECTION 2005e.** 103.275 (2) (bg) 2m. of the statutes is created to read:

24 103.275 (2) (bg) 2m. If an applicant who is an individual does not have a social
25 security number, the applicant shall submit a statement made or subscribed under

1 oath or affirmation to the department that the applicant does not have a social
2 security number. The form of the statement shall be prescribed by the department.
3 A house-to-house employer certificate issued in reliance upon a false statement
4 submitted under this subdivision is invalid.

5 **SECTION 2005f.** 103.49 (5) (a) of the statutes is amended to read:

6 103.49 (5) (a) Each contractor, subcontractor or agent thereof performing work
7 on a project that is subject to this section shall keep full and accurate records clearly
8 indicating the name and trade or occupation of every person described in sub. (2m)
9 and an accurate record of the number of hours worked by each of those persons and
10 the actual wages paid therefor. If requested by any person, a contractor,
11 subcontractor or agent thereof performing work on a project that is subject to this
12 section shall permit that person to inspect and copy any of those records to the same
13 extent as the department would be required to permit inspection and copying of those
14 records under ss. 19.31 to 19.39 if those records were in the custody of the
15 department.

16 **SECTION 2005g.** 103.50 (7m) of the statutes is created to read:

17 103.50 (7m) RECORDS; INSPECTION. Each contractor, subcontractor or agent
18 thereof performing work on a project that is subject to this section shall keep full and
19 accurate records clearly indicating the name and trade or occupation of every person
20 described in sub. (2m) and an accurate record of the number of hours worked by each
21 of those persons and the actual wages paid therefor. If requested by any person, a
22 contractor, subcontractor or agent thereof performing work on a project that is
23 subject to this section shall permit that person to inspect and copy any of those
24 records to the same extent as the department of transportation would be required to

1 permit inspection and copying of those records under ss. 19.31 to 19.39 if those
2 records were in the custody of the department of transportation.

3 **SECTION 2005hd.** 103.91 (2) (b) 1. of the statutes is amended to read:

4 103.91 (2) (b) 1. The Except as provided in subd. 2m., the department shall
5 require each applicant for a certificate under par. (a) who is an individual to provide
6 the department with the applicant's social security number, and shall require each
7 applicant for a certificate under par. (a) who is not an individual to provide the
8 department with the applicant's federal employer identification number, when
9 initially applying for or applying to renew the certificate.

10 **SECTION 2005hf.** 103.91 (2) (b) 2. of the statutes is amended to read:

11 103.91 (2) (b) 2. The If an applicant who is an individual fails to provide the
12 applicant's social security number to the department or if an applicant who is not an
13 individual fails to provide the applicant's federal employer identification number to
14 the department, the department may not issue or renew a certificate under par. (a)
15 to or for an the applicant ~~who is an individual unless the applicant has provided the~~
16 ~~applicant's~~ is an individual who does not have a social security number to the
17 ~~department and may not issue or renew a certificate under par. (a) to or for an~~
18 ~~applicant who is not an individual unless the applicant has provided the applicant's~~
19 ~~federal employer identification number to the department~~ and the applicant submits
20 a statement made or subscribed under oath or affirmation as required under subd.
21 2m.

22

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23 **SECTION 2005hg.** 103.91 (2) (b) 2m. of the statutes is created to read:

24 103.91 (2) (b) 2m. If an applicant who is an individual does not have a social
25 security number, the applicant shall submit a statement made or subscribed under

1 oath or affirmation to the department that the applicant does not have a social
2 security number. The form of the statement shall be prescribed by the department.
3 A certificate issued under par. (a) in reliance upon a false statement submitted under
4 this subdivision is invalid.

5 **SECTION 2005hi.** 103.92 (1) (b) 1. of the statutes is amended to read:

6 103.92 (1) (b) 1. The Except as provided in subd. 2m., the department shall
7 require each applicant for a certificate under par. (a) who is an individual to provide
8 the department with the applicant's social security number, and shall require each
9 applicant for a certificate under par. (a) who is not an individual to provide the
10 department with the applicant's federal employer identification number, when
11 initially applying for or applying to renew the certificate.

12 **SECTION 2005hj.** 103.92 (1) (b) 2. of the statutes is amended to read:

13 103.92 (1) (b) 2. The If an applicant who is an individual fails to provide the
14 applicant's social security number to the department or if an applicant who is not an
15 individual fails to provide the applicant's federal employer identification number to
16 the department, the department may not issue or renew a certificate under par. (a)
17 to or for ~~an~~ the applicant who is an individual unless the applicant has provided the
18 applicant's is an individual who does not have a social security number to the
19 department and may not issue or renew a certificate under par. (a) to or for an
20 applicant who is not an individual unless the applicant has provided the applicant's
21 federal employer identification number to the department and the applicant submits
22 a statement made or subscribed under oath or affirmation as required under subd.
23 2m.

24 **SECTION 2005hk.** 103.92 (2) (b) 2m. of the statutes is created to read:

1 103.92 (2) (b) 2m. If an applicant who is an individual does not have a social
2 security number, the applicant shall submit a statement made or subscribed under
3 oath or affirmation to the department that the applicant does not have a social
4 security number. The form of the statement shall be prescribed by the department.
5 A certificate issued under par. (a) in reliance upon a false statement submitted under
6 this subdivision is invalid.

7 **SECTION 2005hm.** 104.07 (4) (a) of the statutes is amended to read:

8 104.07 (4) (a) The Except as provided in par. (bm), the department shall require
9 each applicant for a license under sub. (1) or (2) who is an individual to provide the
10 department with the applicant's social security number, and shall require each
11 applicant for a license under sub. (1) or (2) who is not an individual to provide the
12 department with the applicant's federal employer identification number, when
13 initially applying for or applying to renew the license.

14 **SECTION 2005hn.** 104.07 (4) (b) of the statutes is amended to read:

15 104.07 (4) (b) The If an applicant who is an individual fails to provide the
16 applicant's social security number to the department or if an applicant who is not an
17 individual fails to provide the applicant's federal employer identification number to
18 the department, the department may not issue or renew a license under sub. (1) or
19 (2) to or for an the applicant who is an individual unless the applicant has provided
20 the applicant's is an individual who does not have a social security number to the
21 department and may not issue or renew a license under sub. (1) or (2) to or for an
22 applicant who is not an individual unless the applicant has provided the applicant's
23 federal employer identification number to the department and the applicant submits
24 a statement made or subscribed under oath or affirmation as required under par.
25 (bm).