

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB613)

Received: **03/13/2000**

Received By: **kahlepj**

Wanted: **Soon**

Identical to LRB:

For: **Brian Burke (608) 266-8535**

By/Representing: **Debbie Sybell**

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

Drafter: **kahlepj**

May Contact:

Alt. Drafters:

Subject: **Courts - immunity liability**

Extra Copies: **RPN**

Pre Topic:

No specific pre topic given

Topic:

Granting immunity from liability for not disclosing information about whether a person is required to register with the sex offender registry

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kahlepj 03/14/2000	jgeller 03/14/2000		_____			
/P1	kahlepj 03/16/2000	jgeller 03/17/2000	hhagen 03/14/2000	_____	lrb_docadmin 03/14/2000		
/P2	kahlepj 03/17/2000	jgeller 03/17/2000	martykr 03/17/2000	_____	lrb_docadmin 03/17/2000		
/P3			martykr	_____	lrb_docadmin		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			03/17/2000 _____		03/20/2000		
/1	kahlepj 03/20/2000	jgeller 03/20/2000	jfrantze 03/20/2000	_____	lrb_docadmin 03/20/2000	lrb_docadmin 03/20/2000	

FE Sent For:

<END>

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/P2	kahlepj 03/17/2000	jgeller 03/17/2000	martykr 03/17/2000		lrb_docadmin 03/17/2000		
/P3		1/3/20 jg	martykr 3/20		lrb_docadmin		

PA:
Please
e-mail /i
to Debra
sybell.

AKM
3/20

03/20/2000 08:21:55 AM

Page 2

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/?	kahlepj 03/14/2000	jgeller 03/14/2000		
/P1	kahlepj 03/16/2000	jgeller 03/17/2000	hhagen 03/14/2000	
/P2		1/3 3/17 jlg	martykr 03/17/2000	lrb_docadmin 03/17/2000

PH: Please e-mail P3 to Debra Sybell when it is out! Thanks!

PH 3/17
PH 3/17

03/17/2000 10:47:49 AM

Page 2

FE Sent For:

<END>

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/?	kahlepj 03/14/2000	jgeller 03/14/2000		_____			
/P1		<i>1/23/15 jg</i>	hhagen 03/14/2000	_____	lrb_docadmin 03/14/2000		

FE Sent For:

km 3/17 *km 3/17*

<END>

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1?	kahlepj	1 3/4 jg	nk 3/14	nk 3/14			

FE Sent For:

<END>

3-13-00

for Burke's office

do audit (as preliminary draft)

to AB 613

that uses LRBa1099/1 as a base

but limits immunity to landlords

• property owners in their

capacities as landlords or

RE owners



State of Wisconsin
1999 - 2000 LEGISLATURE

a1765/PI
LRBa1099/L
PJK/jr.km
Stays

ASSEMBLY AMENDMENT,
TO 1999 ASSEMBLY BILL 613

today

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 12: delete the material beginning with "notice" and ending with
3 "property" on line 13 and substitute "providing brokers, property owners and
4 landlords with immunity from liability for not disclosing sex offender registry
5 information".

6 2. Page 33, line 21: delete the material beginning with that line and ending
7 with page 38, line 12, and substitute:

8 "SECTION 82m. 452.24^X of the statutes is created to read:

9 452.24 Immunity related to sex offender registry nondisclosure. A

10 broker or salesperson is immune from liability for ~~any action or omission related to~~ not

11 disclosing that a particular person is required to register as a sex offender under s.

12 301.45 or any information about the sex offender registry under s. 301.45.

13 SECTION 84m. 704.50^X of the statutes is created to read:

→, while acting in his or her capacity as a [✓]broker
or salesperson,

RPN

have DOC prepare forms

+ make available to for free or at cost
to public ~~any~~ person

see

A. 227.14(5)

Debbie Sybel

3-16

redraft andlt — limit to RE.
transactions

do not give immunity for lying

provide:

no duty to disclose

but if someone asks, no liability
if provide written notice w/

DOC's address, telephone
number and internet site

— provide in a timely manner —



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBa1765/1
PJK:jlg:hmh

A2

rm not run

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT,

TO 1999 ASSEMBLY BILL 613

Fri am
D-vote

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 12: delete the material beginning with "notice" and ending with
3 "property" on line 13 and substitute "providing brokers, property owners and
4 landlords with immunity from liability for not disclosing sex offender registry
5 information".

6 2. Page 33, line 21: delete the material beginning with that line and ending
7 with page 38, line 12, and substitute.

8 "SECTION 82m. 452.24 of the statutes is created to read:

9 452.24 Immunity related to sex offender registry nondisclosure. A
10 broker or salesperson is immune from liability for not disclosing, while acting in his
11 or her capacity as a broker or salesperson, that a particular person is required to

1 register as a sex offender under s. 301.45 or any information about the sex offender
2 registry under s. 301.45.

3 **SECTION 84m.** 704.50 of the statutes is created to read:

4 **704.50 Immunity related to sex offender registry nondisclosure.** A
5 landlord or his or her agent is immune from liability for not disclosing, while acting
6 in his or her capacity as a landlord or a landlord's agent, that a particular person is
7 required to register as a sex offender under s. 301.45 or any information about the
8 sex offender registry under s. 301.45.

9 **SECTION 86m.** 706.20 of the statutes is created to read:

10 **706.20 Immunity related to sex offender registry nondisclosure.** An
11 owner of an interest in real estate is immune from liability for not disclosing, while
12 acting in his or her capacity as an owner of an interest in real estate, that a particular
13 person is required to register as a sex offender under s. 301.45 or any information
14 about the sex offender registry under s. 301.45."

15 **3.** Page 48, line 9: delete lines 9 to 16.

16

(END)

Insert 2-15

D. note

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1765/P/ins
PJK:jlg:knd

Insert 2-15

1 **1.** Page 2, line 12: before "notice" insert "no duty to disclose information from
2 or about sex offender registry and immunity for providing". ✓

3 **2.** Page 33, line 18: delete "Any information" and substitute "Unless such
4 information is requested by a person, any information known by the broker or
5 salesperson". ✓

6 **3.** Page 33, line 21: delete the material beginning with that line and ending
7 with page 38, line 12, ✓ and substitute:

8 "SECTION 82m. ✓ 452.24 ✗ of the statutes is created to read:

9 **452.24 Immunity for providing notice about the sex offender registry.**

10 Notwithstanding s. 452.23 (2) (d), ✓ if in connection with the sale, exchange, purchase
11 or rental of real property a person requests of a broker or salesperson information
12 related to whether a particular person is required to register as a sex offender under
13 s. 301.45 or any other information about the sex offender registry under s. 301.45,
14 the broker or salesperson is immune from liability for any act or omission related to
15 the disclosure of that information if the broker or salesperson in a timely manner
16 provides to the person requesting the information written notice that the person may
17 obtain information about the sex offender registry and persons registered with the
18 registry by contacting the department of corrections. The notice shall include the
19 address and appropriate telephone number and Internet ✓ site of the department of
20 corrections.

21 SECTION 84m. 704.50 ✗ of the statutes is created to read:

22 **704.50 Immunity for providing notice about the sex offender registry.**

23 (1) Unless such information is requested by a person, a landlord or his or her agent



1 has no duty to disclose to any person in connection with the rental of real property
2 any information known by the landlord or agent related to the fact that a particular
3 person is required to register as a sex offender under s. 301.45 or any information
4 about the sex offender registry under s. 301.45.

5 (2) Notwithstanding sub. (1), if in connection with the rental of real property
6 a person requests of a landlord or his or her agent information related to whether a
7 particular person is required to register as a sex offender under s. 301.45 or any other
8 information about the sex offender registry under s. 301.45, the landlord or agent is
9 immune from liability for any act or omission related to the disclosure of that
10 information if the landlord or agent in a timely manner provides to the person
11 requesting the information written notice that the person may obtain information
12 about the sex offender registry and persons registered with the registry by contacting
13 the department of corrections. The notice shall include the address and appropriate
14 telephone number and Internet site of the department of corrections.

15 SECTION 86m. 706.20^x of the statutes is created to read:

16 **706.20 Immunity for providing notice about the sex offender registry.**

17 (1) Unless such information is requested by a person, an owner of an interest in real
18 property has no duty to disclose to any person in connection with the sale, exchange,
19 purchase or rental of the real property any information known by the owner related
20 to the fact that a particular person is required to register as a sex offender under s.
21 301.45 or any information about the sex offender registry under s. 301.45.

22 (2) Notwithstanding sub. (1), if in connection with the sale, exchange, purchase
23 or rental of real property a person requests of an owner of an interest in the real
24 property information related to whether a particular person is required to register
25 as a sex offender under s. 301.45 or any other information about the sex offender



1 registry under s. 301.45, the owner is immune from liability for any act or omission
2 related to the disclosure of that information if the owner in a timely manner provides
3 to the person requesting the information written notice that the person may obtain
4 information about the sex offender registry and persons registered with the registry
5 by contacting the department of corrections. The notice shall include the address and
6 appropriate telephone number and Internet site of the department of corrections.”.

7 4. Page 48, line 9: delete lines 9 to 16[✓] and substitute:

8 “^C~~(3)~~ REAL PROPERTY TRANSACTIONS[✓]. The treatment of sections 452.24, 704.50
9 (2) and 706.20 (2)[✓] of the statutes first applies to transactions related to the sale,
10 exchange, purchase or rental of real property that are commenced on the first day
11 of the 13th month beginning after publication.”[✓]

12 ~~END~~

(end of sec. 2-15)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB 1765/P2
1/24dn
PJK/lehmr

Debbie:

Bob Nelson suggested that the department of corrections be required to prepare a form notice with the necessary information and make it available to the public free of charge or at cost, rather than allowing all types and manner of notices. The immunity from liability would apply if the official form were used. Perhaps the form should be supplied to county clerks or registers of deeds so that someone who does not live in or near Madison would have better access, since the notice must be provided soon after information is requested. What do you think?

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: Pam.Kahler@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa1765/P2dn
PJK:jlg:km

March 17, 2000

Debbie:

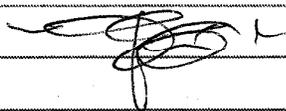
Bob Nelson suggested that the department of corrections be required to prepare a form notice with the necessary information and make it available to the public free of charge or at cost, rather than allowing all types and manner of notices. The immunity from liability would apply if the official form were used. Perhaps the form should be supplied to county clerks or registers of deeds so that someone who does not live in or near Madison would have better access, since the notice must be provided soon after information is requested. What do you think?

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: Pam.Kahler@legis.state.wi.us

put in file
a1765

1. no duty to disclose if not asked

2. if asked, duty to disclose known
information



but providing
DOC pamphlet
provides immunity
regardless of
what person says or
doesn't say if
asked

Debbie
from Burke's
office

Original notification

6-8535

time req. w/o delay then

acceptance of offer
to purchase

by: - what if buyer asks later?

only "serious" - who is serious?

↳ no duty to disclose if
asked by someone who
has already submitted an
offer?

if someone asks at an open house, no duty to disclose?

in families

if provided

before acceptance
of offer

↳ delay then acceptance
of offer

notice
get rid of address
personal knowledge



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBa1765/PK
PJK:jlg:krm

P3

not seen

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT,
TO 1999 ASSEMBLY BILL 613

needed today

except as provided
in s. 452.24

Can Fix
Component

At the locations indicated, amend the bill as follows:

- 2
- 3
- 4
- 5
- 6

1. Page 2, line 12: before "notice" insert ~~the~~ duty to disclose information from or about sex offender registry and immunity for providing.

2. Page 33, line 18: delete "Any information" and substitute ~~information~~ information is requested by ~~a broker~~ any information ~~requested by a broker or salesperson~~ salesperson.

3. Page 33, line 21: delete the material beginning with that line and ending with page 38, line 12, and substitute:

"SECTION 82m. 452.24 of the statutes is created to read:

- 10
- 11
- 12

452.24 Immunity for providing notice about the sex offender registry.
Notwithstanding s. 452.24, if in connection with the sale, exchange, purchase or rental of real property a person requests of a broker or salesperson information

Disclosure duty;

1 related to whether a particular person is required to register as a sex offender under
 2 s. 301.45 or any other information about the sex offender registry under s. 301.45,
 3 the broker or salesperson is immune from liability for any act or omission related to
 4 the disclosure of ~~that~~ information if the broker or salesperson in a timely manner
 5 provides to the person requesting the information written notice that the person may
 6 obtain information about the sex offender registry and persons registered with the
 7 registry by contacting the department of corrections. The notice shall include the
 8 ~~appropriate~~ telephone number and Internet site of the department of
 9 corrections.

SECTION 84m. 704.50 of the statutes is created to read:

704.50 Immunity for providing notice about the sex offender registry.

(1) ~~When a landlord or his or her agent~~ a landlord or his or her agent
 has no duty to disclose to any person in connection with the rental of real property
 any information ~~related to the fact that a particular~~ related to the fact that a particular
 person is required to register as a sex offender under s. 301.45 or any information
 about the sex offender registry under s. 301.45.

(2) ~~When a person requests of a landlord or his or her agent information related to whether a~~ if in connection with the rental of real property
 a person requests of a landlord or his or her agent information related to whether a
 particular person is required to register as a sex offender under s. 301.45 or any other
 information about the sex offender registry under s. 301.45, the landlord or agent is
 immune from liability for any act or omission related to the disclosure of ~~that~~
 information if the landlord or agent in a timely manner provides to the person
 requesting the information written notice that the person may obtain information
 about the sex offender registry and persons registered with the registry by contacting

Disclosure duty;

Except as provided in sub. (2)

Insert 2-20

- 3
- 4
- 8
- 11
- 12
- 14
- 17
- 20
- 21
- 22

Insert 2-3

under sub. (1)

the disclosure of that information

matter

under sub. (2)

1 the department of corrections. The notice shall include the ~~appropriate~~ appropriate
2 telephone number and Internet site of the department of corrections.

3 SECTION 86m. 706.20 of the statutes is created to read:

4 **706.20 Immunity for providing notice about the sex offender registry.**

5 (1) ~~Whenever information is requested by a person~~ an owner of an interest in real
6 property has no duty to disclose to any person in connection with the sale, exchange,
7 purchase or rental of the real property any information ~~related~~ related
8 to the fact that a particular person is required to register as a sex offender under s.
9 301.45 or any information about the sex offender registry under s. 301.45.

10 (2) ~~Whenever information is requested by a person~~ in connection with the sale, exchange, purchase
11 or rental of real property a person requests of an owner of an interest in the real
12 property information related to whether a particular person is required to register
13 as a sex offender under s. 301.45 or any other information about the sex offender
14 registry under s. 301.45, the owner ^{insert 3-14} is immune from liability for any act or omission
15 related to the disclosure of ~~that~~ information ^{under sub (2) (2)} if the owner in a timely manner provides
16 to the person requesting the information written notice that the person may obtain
17 information about the sex offender registry and persons registered with the registry
18 by contacting the department of corrections. The notice shall include the ~~appropriate~~
19 appropriate telephone number and Internet site of the department of corrections.”

20 4. Page 48, line 9: delete lines 9 to 16 and substitute:

21 “(3c) REAL PROPERTY TRANSACTIONS. The treatment of sections 452.24, 704.50 (2)
22 and 706.20 (2) of the statutes first applies to transactions related to the sale,

and (3)

Disclosure duty;

Except as provided in sub. (2)

initial app

1 exchange, purchase or rental of real property that are commenced on the first day
2 of the 13th month beginning after publication.

3 (END)

**1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa1765/P2ins
PJK:jl:km

INSERT 2-3

1 has a duty to disclose such information, if the broker or salesperson has actual
2 knowledge of the information.

3 (2) Notwithstanding sub. (1), the broker or salesperson

(END OF INSERT 2-3)

INSERT 2-20

4 has a duty to disclose such information, if the landlord or agent has actual knowledge
5 of the information.

6 (3) Notwithstanding sub. (2), the landlord or agent

(END OF INSERT 2-20)

INSERT 3-14

7 has a duty to disclose such information, if the owner has actual knowledge of the
8 information.

9 (3) Notwithstanding sub. (2), the owner

(END OF INSERT 3-14)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBa1765/22
PJK:jlg:km

Wm is new

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT,
TO 1999 ASSEMBLY BILL 613

*needed
by 1:00
today*

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 2, line 12: before "notice" insert "the duty to disclose information from
- 3 or about sex offender registry and immunity for providing".
- 4 **2.** Page 33, line 18: delete "Any information" and substitute "Except as
- 5 provided in s. 452.24, any information".
- 6 **3.** Page 33, line 21: delete the material beginning with that line and ending
- 7 with page 38, line 12, and substitute:
- 8 "SECTION 82m. 452.24 of the statutes is created to read:
- 9 **452.24 Disclosure duty; immunity for providing notice about the sex**
- 10 **offender registry.** (1) If, in connection with the sale, exchange, purchase or rental
- 11 of real property, a ~~person who is required to register as a sex offender under s. 301.45~~ information related to
- 12 whether a particular person is required to register as a sex offender under s. 301.45

*Insert
1-11*

✓ Licensee ←

1 or any other information about the sex offender registry under s. 301.45, the ~~broker~~
2 ~~or salesperson~~ has a duty to disclose such information, if the ~~broker or salesperson~~
3 has actual knowledge of the information.

4 (2) Notwithstanding sub. (1), the broker or salesperson is immune from
5 liability for any act or omission related to the disclosure of information under sub.
6 (1) if the broker or salesperson in a timely manner provides to the person requesting
7 the information written notice that the person may obtain information about the sex
8 offender registry and persons registered with the registry by contacting the
9 department of corrections. The notice shall include the appropriate telephone
10 number and Internet site of the department of corrections.

11 SECTION 84m. 704.50 of the statutes is created to read:

12 704.50 Disclosure duty; immunity for providing notice about the sex
13 offender registry. (1) Except as provided in sub. (2), a landlord or his or her agent
14 has no duty to disclose to any person in connection with the rental of real property
15 any information related to the fact that a particular person is required to register as
16 a sex offender under s. 301.45 or any information about the sex offender registry
17 under s. 301.45.

18 (2) If, in connection with the rental of real property, a person requests of a
19 landlord or his or her agent information related to whether a particular person is
20 required to register as a sex offender under s. 301.45 or any other information about
21 the sex offender registry under s. 301.45, the landlord or agent has a duty to disclose
22 such information, if the landlord or agent has actual knowledge of the information.

23 (3) Notwithstanding sub. (2), the landlord or agent is immune from liability for
24 any act or omission related to the disclosure of information under sub. (2) if the
25 landlord or agent in a timely manner provides to the person requesting the

1 information written notice that the person may obtain information about the sex
2 offender registry and persons registered with the registry by contacting the
3 department of corrections. The notice shall include the appropriate telephone
4 number and Internet site of the department of corrections.

5 **SECTION 86m.** 706.20 of the statutes is created to read:

6 **706.20 Disclosure duty; immunity for providing notice about the sex**
7 **offender registry.** (1) Except as provided in sub. (2), an owner of an interest in real
8 property has no duty to disclose to any person in connection with the sale, exchange,
9 purchase or rental of the real property any information related to the fact that a
10 particular person is required to register as a sex offender under s. 301.45 or any
11 information about the sex offender registry under s. 301.45.

12 (2) If, in connection with the sale, exchange, purchase or rental of real property,
13 a person requests of an owner of an interest in the real property information related
14 to whether a particular person is required to register as a sex offender under s. 301.45
15 or any other information about the sex offender registry under s. 301.45, the owner
16 has a duty to disclose such information, if the owner has actual knowledge of the
17 information.

18 (3) Notwithstanding sub. (2), the owner is immune from liability for any act or
19 omission related to the disclosure of information under sub. (2) if the owner in a
20 timely manner provides to the person requesting the information written notice that
21 the person may obtain information about the sex offender registry and persons
22 registered with the registry by contacting the department of corrections. The notice
23 shall include the appropriate telephone number and Internet site of the department
24 of corrections.”.

Insert 1-11

no 41 licensee receives a request from a person to whom the licensee is providing brokerage services in connection with the sale, exchange, purchase or rental for (230 #)

(end of ins. 1-11)