

**2001 DRAFTING REQUEST**

**Bill**

Received: 11/14/2000

Received By: mlief

Wanted: As time permits

Identical to LRB:

For: Marlin Schneider (608) 266-0215

By/Representing: judy

This file may be shown to any legislator: NO

Drafter: mlief

May Contact:

Addl. Drafters: mdsida  
rmarchan  
rkite  
kunkemd  
nelsorp1  
shoveme  
kuesejt  
kenneda  
gibsom

Subject: State Government - miscellaneous

Extra Copies: SRM

Submit via email: NO

Requester's email:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Compiled privacy bill

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**Instructions:**

See Attached

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**Drafting History:**

Vers.    Drafted    Reviewed    Typed    Proofed    Submitted    Jacketed    Required

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	mliif 04/06/2001			_____			S&L
/1		csicilia 04/23/2001	pgreensl 04/23/2001	_____	lrb_docadmin 04/23/2001		S&L
/2	malaigm 05/14/2001	csicilia 05/22/2001	haugeca 05/24/2001	_____	lrb_docadmin 05/24/2001		S&L
/3	malaigm 05/30/2001	csicilia 06/04/2001	rschluet 06/04/2001	_____	lrb_docadmin 06/04/2001	lrb_docadmin	S&L 06/15/2001

FE Sent For

7/9

<END>

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Dan Schmidt  
Leg Council

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FE Sent For:

/3  
 jjs  
 6/3  
 01  
 6-4-1

  
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Leg. Council*

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2 cjs 5/22  
 01  
 CH 5-24  
 CH 5-24  
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1?	mlief	1 4/18 js	4/23 pj	4/23 pj/OK			

FE Sent For:

<END>

# PRIVACY COMPILED BILL

Lief, Madelon

From: Miller, Steve  
Sent: Thursday, October 26, 2000 2:57 PM  
To: Lief, Madelon; Malaise, Gordon; Kuesel, Jeffery; Grant, Peter; Nelson, Robert P.; Dsida, Michael; Gibson-Glass, Mary; Shovers, Marc; Kunkel, Mark; Marchant, Robert  
Subject: Privacy package request from Rep. Marlin Schneider

✓ Add 00-0852 (PJD)--TC from Judy to MJL on 11/20/00 - DONE - 04/852/2

This is a request for Marlin Schneider relayed by Judy Freydenlund. The parenthetical remarks are hers. [I added attorneys' initials]. Judy told me that they understand our priority right now is the executive budget.

"The following LRB's he would like rolled into one privacy package:

0659/? [GMM]

0661/1 (but change to future records), [JTK]

0662/? [JTK]

2-934

✓ 0666/1 [RJM] - 1082/P1

~~0667/1 [RJM]~~ Remove - per Judy + RJM, 11/20

✓ 0668/2 [RJM] - 0949/PI

✓ 0678/2 [MDK] - DONE - 1019/P1

✓ 0703/1 [TAY] - DONE (DAK + PK) - 1012/P1

✓ 0708/1 [RJM] MJL - To edit 2/23 - 2186/1

✓ 1278/1 [RPN] - Done 830/1

✓ 1635/2 [RJM] - 0950 (in editing)

✓ 1637/1 [RJM] MGD (2378 - not done)

DONE - 0874/PI

✓ 2273/? (as I recall this would prohibit gasoline card purchases from including the account number on the printed form when purchased from a gas station's automatic credit card pump), [MGG] Robin Kite will do.

✓ 2579/1 [MGD] - 1473 - DONE

✓ 2755/1 [MDK] - DONE - 1138/PI

✓ 2934/1 (privacy rights & info policy training MUST be included), [MES] - 0999/PI

✓ 3925/1 [ML] - 282 - to edit 1/03 DONE 2187

✓ 4503/1 [MDK] ...." DONE - 1021/PI

**Lief, Madelon**

---

**From:** Lief, Madelon  
**Sent:** Tuesday, April 03, 2001 1:45 PM  
**To:** Lief, Madelon; ~~Dykman, Peter; Malaise, Gordon; Kuesel, Jeffery; Marchant, Robert; Kunkel, Mark; Kennedy, Debora; Kite, Robin; Nelson, Robert P.~~; Dsida, Michael; Kreye, Joseph; Shovers, Marc  
**Cc:** ~~Miller, Steve~~  
**Subject:** RE: Compiled privacy bill

You should now have your copy of the unedited, compiled bill, including a drafter's note, and the B-short list.

Some drafters created an initial applicability or effective date provision that referred to "this act." If you did so, please make sure when you are editing your portions of the compiled bill to refer instead to the specific statutory sections in those nonstats. Thanks.

-----Original Message-----

**From:** Lief, Madelon  
**Sent:** Monday, April 02, 2001 1:37 PM  
**To:** Dykman, Peter; Malaise, Gordon; Kuesel, Jeffery; Marchant, Robert; Kunkel, Mark; Kennedy, Debora; Kite, Robin; Nelson, Robert P.; Dsida, Michael; Kreye, Joseph; Shovers, Marc  
**Cc:** Miller, Steve  
**Subject:** Compiled privacy bill

I have just submitted the individual drafts for Jean to run a compiled bill and a B-sort list. As soon as they both are ready, I will give each of you a copy of the compiled bill and the B-sort list. Please check both for any conceptual and technical reconciliations in your areas. If you find any problems, please reconcile them and give me a copy of your handwritten changes. Because of time constraints (I'm getting pressured about this bill), please complete and submit to me any changes by Monday, April 9th at noon. (You should also check your portion of the analysis and change it to reflect any reconciliations you made. Do not, however, worry about the ordering of the analysis.)

Please save a copy of this email.

Thanks,  
Lonnie

---

Madelon Lief  
Legislative Attorney  
Legislative Reference Bureau  
State of Wisconsin  
madelon.lief@legis.state.wi.us  
608-267-7380

PRIVACY COMPIL -  
RECONCILIATIONS / EDITS

## Sorted Item List

<u>Store File Name</u>	<u>Text</u>
-0846.1	11.21 (5) of the statutes is amended to read:
-0846.2	11.22 (8) of the statutes is amended to read:
-0852.1	13.0991 of the statutes is created to read:
-0846.3	19.35 (1) (jm) of the statutes is created to read:
-0853.1	19.36 (10) of the statutes is created to read:
-0853.2	19.37 (4) of the statutes is renumbered 19.37 (4) (a).
-0853.3	19.37 (4) (b) and (c) of the statutes are created to read:
-0846.4	23.45 (6) of the statutes is created to read:
-2186.1	36.11 (35) (title) of the statutes is renumbered 36.32 (title).
-2186.2	36.11 (35) of the statutes is renumbered 36.32 (2) and amended to read:
-2186.3	36.32 (1) of the statutes is created to read:
-2187.1	36.38 of the statutes is created to read:
-2187.2	38.12 (12) of the statutes is created to read:
-2187.3	39.49 of the statutes is created to read:
-0853.4	59.20 (3) (d) of the statutes is amended to read:
-0999.1	71.05 (6) (a) 15. of the statutes is amended to read:
-0999.2	71.07 (5s) of the statutes is created to read:
-0999.3	71.10 (4) (gv) of the statutes is created to read:
-0999.4	71.21 (4) of the statutes is amended to read:
-0999.5	71.26 (2) (a) of the statutes is amended to read:
-0999.6	71.28 (5s) of the statutes is created to read:
-0999.7	71.30 (3) (eon) of the statutes is created to read:
-0999.8	71.34 (1) (g) of the statutes is amended to read:
-0999.9	71.45 (2) (a) 10. of the statutes is amended to read:
-0999.10	71.47 (5s) of the statutes is created to read:
-0999.11	71.49 (1) (eon) of the statutes is created to read:
-0999.12	77.92 (4) of the statutes is amended to read:
-0846.5	85.103 (6m) of the statutes is created to read:
-0846.6	85.105 (3) of the statutes is created to read:
-1019.1	100.264 (2) (intro.) of the statutes is amended to read:

- 1021.1 100.264 (2) (intro.) of the statutes is amended to read:
- 1138.1 100.264 (2) (intro.) of the statutes is amended to read:
- 1019.2 100.52 of the statutes is created to read:
- 1021.2 100.52 of the statutes is created to read:
- 1138.2 100.52 of the statutes is created to read:
- 0846.7 108.14 (7) (a) of the statutes is amended to read:
- 2187.4 118.39 of the statutes is created to read:
- 1019.3 134.72 (title) of the statutes is amended to read:
- 1021.3 134.72 (title) of the statutes is amended to read:
- 1019.4 134.72 (1) (c) of the statutes is renumbered 100.52 (1) (e).
- 1021.4 134.72 (1) (c) of the statutes is renumbered 100.52 (1) (b).
- 1019.5 134.72 (2) (a) of the statutes is renumbered 100.52 (3).
- 1021.5 134.72 (2) (a) of the statutes is renumbered 100.52 (3).
- 1019.6 134.72 (2) (b) (title) of the statutes is repealed.
- 1021.6 134.72 (2) (b) (title) of the statutes is repealed.
- 1021.7 134.72 (2) (b) of the statutes is renumbered 134.72 (2), and 134.72 (2) (b), as renumbered, is amended to read:
- 1019.7 134.72 (2) (b) 1. of the statutes is renumbered 134.72 (2) (b).
- 1019.8 134.72 (2) (b) 2. of the statutes is renumbered 134.72 (2) (c) and amended to read:
- 1019.9 134.72 (3) (a) of the statutes is amended to read:
- 1021.8 134.72 (3) (a) of the statutes is amended to read:
- 1019.10 134.72 (3) (b) of the statutes is amended to read:
- 1021.9 134.72 (3) (b) of the statutes is amended to read:
- 1019.11 134.72 (4) of the statutes is amended to read:
- 1021.10 134.72 (4) of the statutes is amended to read:
- 0874.1 134.92 of the statutes is created to read:
- 1082.1 138.25 of the statutes is created to read:
- 1012.1 146.833 of the statutes is created to read:
- 2187.5 175.22 of the statutes is created to read:
- 0949.1 Subchapter V of chapter 224 [precedes 224.991] of the statutes is created to read: @Z7@Lam>
- 0846.8 341.17 (9) (c) 3. of the statutes is amended to read:
- 0846.9 341.17 (9) (c) 4. of the statutes is amended to read:
- 0846.10 341.17 (10) of the statutes is created to read:

-0846.11	343.235 (3) (b) of the statutes is amended to read:
-0846.12	343.235 (5m) of the statutes is created to read:
-0846.13	343.24 (4) (c) 2. of the statutes is amended to read:
-0846.14	343.24 (5) of the statutes is created to read:
-0846.15	440.14 (6) of the statutes is created to read:
-1012.2	610.75 of the statutes is created to read:
-1012.3	632.725 (2) (d) of the statutes is amended to read:
-0846.16	895.50 (2) (intro.) of the statutes is amended to read:
-0846.17	895.50 (2) (a) of the statutes is renumbered 895.50 (2) (bm) 1.
-0846.18	895.50 (2) (am) of the statutes is created to read:
-0846.19	895.50 (2) (b) of the statutes is renumbered 895.50 (2) (bm) 2.
-0846.20	895.50 (2) (bm) 2m. of the statutes is created to read:
-0846.21	895.50 (2) (bm) 2r. of the statutes is created to read:
-0846.22	895.50 (2) (c) of the statutes is renumbered 895.50 (2) (bm) 3. and amended to read:
-0846.23	895.50 (2) (cm) of the statutes is created to read:
-0830.1	895.50 (2) (d) of the statutes is created to read:
-0830.2	895.50 (2m) of the statutes is created to read:
-0846.24	895.50 (7) of the statutes is renumbered 895.50 (7) (a).
-0846.25	895.50 (7) (b) of the statutes is created to read:
-0846.26	938.299 (1) (av) of the statutes is amended to read:
-0846.27	938.396 (2m) (a) of the statutes is amended to read:
-0846.28	938.396 (2m) (b) of the statutes is amended to read:
-2378.1	968.27 (12) of the statutes is amended to read:
-2378.2	968.27 (14m) of the statutes is created to read:
-2378.3	968.31 (2) (c) of the statutes is renumbered 968.31 (2) (c) (intro) and amended to read:
-2378.4	968.31 (2) (c) 2. of the statutes is created to read:
-1473.1	971.19 (11) of the statutes is created to read:
-0846.29	Nonstatutory provisions.
-0830.9309	Initial applicability; circuit courts.
-1473.9309	Initial applicability; circuit courts.
-0852.9332	Initial applicability; legislature.
-0999.9344	Initial applicability; revenue.
-2378.9359	Initial applicability; other.

-2186.9459

Effective dates; other.

-2187.9459

Effective dates; other.





State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-0997/1

(LJS)

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

7...A:jf  
~~scribble~~

FRU  
4-20

SOON  
to editing  
4/6 1:45pm

D-N

MON  
4-23

GMM/  
JTK/  
RJM/  
MDK/  
PAK/  
PJK/  
BRPN/  
MJL/  
PJD/  
RK/

ger cat

1 AN ACT...; relating to: use of personally identifiable information for commercial  
 2 purposes and creating a cause of action for invasion of privacy against a person  
 3 who uses or discloses any personally identifiable information about any living  
 4 person, for any commercial purpose, without having first obtained the consent  
 5 of the person who is the subject of the information; access to certain public  
 6 records containing social security account numbers of individuals; creating a  
 7 nonrefundable income tax and franchise tax credit for information technology  
 8 training; prohibiting certain telephone solicitations; ~~prohibiting certain~~  
 9 ~~telephone solicitations~~ prohibiting the disclosure of information on credit <sup>and debit</sup> card  
 10 receipts for the purchase of motor fuel; use of caller identification blocking  
 11 services by telephone solicitors; credit card records; <sup>disclosure of credit reports;</sup> use of social security  
 12 numbers as medical or health insurance identifiers; preparation of privacy  
 13 impact statements for bills that would <sup>have an</sup> impact on personal privacy; place of trial  
 14 for persons charged with certain crimes; the use of a person's social security  
 15 number in his or her student identification number at private institutions of

8  
9  
10  
11  
13

1 higher education; written policies on entering locker rooms being used by  
 2 athletic teams representing certain schools or by professional athletic teams;  
 3 disclosure of credit ~~reporting~~ <sup>reporting</sup> interception of oral communications between an  
 4 employee of a retail business and a customer of the retail business; expanding  
 5 the right of privacy providing a penalty; and providing penalties.

**Analysis by the Legislative Reference Bureau**

Under current law, a person whose privacy is unreasonably invaded is entitled to equitable relief to prevent and restrain the invasion, compensatory damages, and reasonable attorney fees. Current law defines "invasion of privacy," ~~to mean~~ to include the use, for advertising purposes or for purposes of trade, of the name, portrait, or picture of any living person without having first obtained the written consent of the person. *expands the definition of*

This bill extends the right of privacy to include as an "invasion of privacy" for which a person is entitled to relief the use or disclosure of any personally identifiable information, as defined in the bill, about any living person for any commercial purpose, without having first obtained, not more than one year before the date of the use or disclosure, the written consent of the person who is the subject of the information. The bill ~~also includes as an~~ "invasion of privacy" ~~for which a person is entitled to relief~~ any requirement that the person, as a condition for receiving a good or a service, provide his or her consent to the use or disclosure of any personally identifiable information about the person for any commercial purpose. *to include*

~~Under the bill, "personally identifiable information" means information that can be associated with a particular individual through one or more identifiers or other information or circumstances, and "commercial purpose" means the purpose of accruing any gain, benefit, or advantage, either directly or indirectly, including the purpose of advertising or marketing any property, good, or service, soliciting business, or setting the terms and conditions of any commercial transaction or relationship.~~ *and to include*

Currently, unless otherwise provided by law, a state or local agency must provide public access to information contained in its records unless the agency demonstrates that the public interest in withholding access to that information outweighs the strong public interest in providing that access. Federal law prohibits state and local governmental units from disclosing social security account numbers under certain conditions.

This bill generally prohibits a person who has received any personally identifiable information from a state or local agency from using or disclosing that information for any commercial purpose without first obtaining, not more than one year before the date of the use or disclosure, the written consent of the individual who is the subject of that information.

*delete comma, keep quotation mark*

*INS A from p. 7*

*mean*

*delete period*

*and to include*

*INS B from p. 7*

3

*to include*

*[Handwritten signature]*

This bill also provides that, if a new record containing the social security account number of an individual, together with information revealing the identity of that individual, is kept by a state or local governmental unit on or after January 1, 2003, or if a record in the custody of a state or local governmental unit is modified to insert the social security account number of an individual on or after January 1, 2003, and the record contains information revealing the identity of that individual, the custodian of the record must delete the social security account number before permitting access to the record, unless the person who requests access to the record is specifically authorized by federal or state law to have access to the social security account number.

The bill, however, permits the requester of a record to have access to the social security account number of an individual if:

1. The record pertains to that individual <sup>requester</sup> alone, to the marital or parental rights or responsibilities of that individual and his or her spouse or former spouse, to the property of that individual held jointly or in common with one or more other individuals, or to a civil lawsuit in which the individual is a specifically named party, and the individual provides appropriate identification; or
2. The requester is an authorized representative of an insurer or an organization that performs investigations for insurers and the social security account number is relevant to an investigation of suspected, anticipated, or actual insurance fraud.

Moreover, if any person misrepresents his or her identity for the purpose of obtaining access to the social security account number of another individual, the person is subject to a forfeiture (civil penalty) of not more than \$1,000 for each social security account number obtained by means of misrepresentation. In addition, under the bill, if any insurer or other person obtains a social security account number and uses that number for purposes other than an investigation of suspected, anticipated, or actual insurance fraud, the person is subject to a forfeiture of not more than \$1,000 for each social security account number used by the person for unauthorized purposes.

Under current law, the department of natural resources (DNR), the department of transportation (DOT), the department of regulation and licensing (DORL), or a credentialing board in DORL may not disclose on any list that contains the name, social security number, telephone number, street address, post-office box number, or zip code (personal identifier) of ten or more individuals a personal identifier of any individual who has declared that the individual's personal identifiers may not be disclosed on a list that DNR, DOT, DORL, or a credentialing board furnishes to another person. This prohibition, however, does not apply to the disclosure by DOT of personal identifiers obtained through motor vehicle registration or titling, operator's licenses, traffic citations, and reports of traffic accidents to an insurer for purposes of issuing or renewing a policy and related underwriting, billing, or processing or paying a claim. This prohibition also does not apply to the disclosure of personal identifiers obtained through motor vehicle registration or titling to a person for purposes of a vehicle recall.

This bill prohibits a person who obtains a list from DNR, DOT, DORL, or a credentialing board in DORL from using or disclosing any personal identifier or other personally identifiable information for any commercial purpose without first obtaining, not more than one year before the date of the use or disclosure, the written consent of the individual who is the subject of that information. The bill does, however, authorize insurers to continue to use or disclose that information for purposes of issuing or renewing a policy and related underwriting, billing, or processing or paying a claim and other persons to continue to use or disclose that information for purposes of a vehicle recall, without first obtaining the consent of the person who is the subject of the information.

Current law authorizes DOT to contract with any person to periodically provide the person with personally identifiable information obtained from motor vehicle accidents or uniform traffic citations. This bill does not affect personally identifiable information disclosed under such a contract entered into before the bill takes effect, but information disclosed under a contract entered into after this bill takes effect is subject to the limitations and consent required under this bill.

Currently, the Uniform Commercial Code establishes a system for entering into transactions in which a person grants a security interest in certain property (secured transactions). Depending upon the circumstances, this system authorizes the filing of various statements evidencing the existence of a secured transaction and authorizes or requires the disclosure of certain information relating to secured transactions. Actions taken pursuant to the Uniform Commercial Code secured transaction provisions are exempt from the provisions of this bill.

The bill ~~also~~ prohibits a health care provider or a health insurer from using for any patient or insured or enrollee an identification number that is identical to or that incorporates the patient's or the insured's or enrollee's social security number. However, under the bill, a health care provider or health insurer is not prohibited from requiring that the patient or insured or enrollee disclose his or her social security number or from using that number if a federal or state agency requires its use in order for the patient or insured or enrollee to participate in a particular program.

This bill makes the following changes regarding telephone solicitations:

1. The bill prohibits a person from using an automatic telephone dialing system in making a telephone solicitation if the system is used in such a way that two or more telephone lines are engaged simultaneously.

2. The bill prohibits a person who makes a telephone solicitation from using a blocking service that withholds the person's name or telephone number from the person who receives the solicitation.

3. The bill requires the department of agriculture, trade, and consumer protection (DATCP) to enforce a prohibition under current law against using an electronically prerecorded message in a telephone solicitation without the consent of the person called. Under current law, local district attorneys enforce the prohibition. The bill also requires DATCP to enforce the prohibitions ~~described~~

~~above~~

regarding  
telephone  
solicitations

4. The bill allows a residential telephone customer to request his or her local telecommunications utility to include a listing or symbol in its telephone directory that indicates that the customer does not want to receive telephone solicitations. A telecommunications utility may impose a onetime charge for including a listing or symbol in its telephone directory.

5. The bill prohibits a telephone solicitor from making a telephone solicitation to an individual for which there is a listing or symbol described above.

6. Except for the last prohibition described above, the bill provides that a person who violates the foregoing prohibitions is subject to a forfeiture of up to \$500. A telephone solicitor who violates the last prohibition is subject to a forfeiture of up to \$10,000. Under certain circumstances, a person who violates any of the prohibitions may be subject to a supplemental forfeiture of up to \$10,000 if the telephone solicitation was directed against an elderly or disabled person.

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

Wisconsin law currently does not specifically regulate the disclosure of credit reports to consumers by a credit reporting agency (agency). However, under current federal law, an agency must provide a consumer with five pieces of information upon request: all nonmedical information contained in the agency's files on the consumer, the sources of that information, the recipients of any credit report concerning the consumer, information regarding any checks that form the basis of an adverse characterization of the consumer, and a record of certain inquiries received by the agency that identified the consumer. Generally, unless the consumer's request is pursuant to a denial of credit or to a notice that the consumer's credit may be adversely affected, the agency may charge up to \$8 for this disclosure. In certain circumstances, federal law prohibits an agency from disclosing the sources of information in a consumer's file.

This bill requires an agency, upon request, to provide one free written disclosure report to a consumer per year. In addition to the disclosure required by the federal law, this bill requires the agency to provide the consumer with a current credit report and a clear and concise explanation of the contents of the written disclosure report. This bill prohibits an agency from making certain disclosures prohibited under

federal law. A person who violates this bill may be fined up to \$500 for a first offense and may be fined up to \$1,000 or imprisoned for up to six months or both for a subsequent offense within six months.

Under current law, with certain exceptions, no person may intentionally intercept an oral communication made by another person. A person who violates this prohibition may be imprisoned for not more than seven years and six months or fined not more than \$10,000 or both. Under the so-called "one-party consent" exception to this prohibition, a person may intercept an oral communication if he or she is a party to the communication or if one of the parties to the communication has given prior consent to the interception. However, the one-party consent exception does not apply if the communication is intercepted for the purpose of committing any illegal or injurious act.

This bill provides that the one-party consent exception does not apply to an interception of an oral communication between an employee of a retail business and a customer of the retail business if the communication is uttered while both the employee and the customer are present in or on the store or premises of the retail business and if the communication is intercepted using an electronic, mechanical, or other device that is attached to or in the possession of the employee. Because interception of an oral communication between a retail business employee and a customer of the retail business under these circumstances would not be covered by the one-party consent exception, the person engaged in the interception would be violating the prohibition against interception of an oral communications and, if convicted, would be subject to the current penalties for the violation.

Under current law, a defendant charged with a crime must generally be tried in the county in which the crime is committed. Current law also provides a number of exceptions to this general rule. For example, if a crime entails the commission of two or more acts, the defendant may be tried in any county in which any of the acts occurred.

Under this bill, a defendant charged with any of the following crimes may be tried in the defendant's county of residence, the victim's county of residence, or in any other county where the trial may be held under current law: 1) defamation; 2) giving false information for publication; 3) misappropriation of personal identifying information or personal identification documents; 4) theft of trade secrets; 5) threats to injure or accuse of crime; 6) threats to communicate derogatory information; 7) financial transaction card crimes; 8) computer crimes; 9) tampering with public records and notices; 10) unlawful use of telephone; and 11) unlawful use of computerized communication systems.

Under current law, the University of Wisconsin System, a technical college district board, a school board, and the governing body of a private school are prohibited from assigning to any student an identification number that is identical to or incorporates the student's social security number.

Beginning January 1, 2003, this bill extends this prohibition to private institutions of higher education located in this state.

This bill also requires each school board, private school, technical college district board, institution and two-year collegiate campus of the University of

Wisconsin System, private institution of higher education, and professional athletic team that has its home field or arena in this state to adopt a written policy on who may enter and remain in a locker room used by the school or team to interview or seek information from any person. The policy must reflect the privacy interests of the members of the teams representing the school or the professional athletic team.

Under current law, an individual whose privacy is unreasonably invaded is entitled to equitable relief to restrain the invasion, compensatory damages, and reasonable attorney fees. An "invasion of privacy" in current law means any of the following:

INS A  
- move  
to  
p. 2

1. A highly offensive intrusion upon the privacy of another in a place that a reasonable person would consider private or in a manner that is actionable for trespass.
2. The advertising or trade use of the name or picture of a living person without first receiving that person's permission.
3. The publicity given to the private life of another that is highly offensive if the person that publicized the private life had acted unreasonably or recklessly as to whether there was a legitimate public interest in the matter involved or with actual knowledge that there was no legitimate public interest in the matter publicized.

INS B  
move  
to p. 2

~~This bill expands the definition of "invasion of privacy" to include~~ publicity given to a matter concerning the person that places that person in a false light if that false light would be highly offensive to another person. If the person placed in the false light is a public person, the person who publicized the matter is liable for an invasion of the person's privacy if the publisher had knowledge of the falsity of the matter or acted with reckless disregard as to the falsity of the matter. If the person placed in the false light is a private person, the person who publicized the matter is liable for an invasion of the person's privacy if the publisher did not use reasonable care. The truth of the publicized matter is a defense to an action for invasion of the person's privacy if the publisher acted with good motives and for justifiable ends.

(also)

The bill provides that whenever a bill is introduced in either house of the legislature that would have an impact upon personal privacy, any standing committee to which the bill is referred must not hold a public hearing on the bill or report the bill until a privacy impact statement is prepared and received. The statement is prepared by one or more state agencies or authorities, as determined by the department of administration. The statement describes the impact upon personal privacy that would result from enactment of the bill and analyzes the desirability of that impact from the standpoint of public policy. The bill also permits either house of the legislature, under rules of that house or joint rules, to request the department of administration to order the preparation of a privacy impact statement with respect to any bill before that house, either in its original form or as affected by one or more amendments.

Under the bill, a bill has an impact on personal privacy if the bill would:

1. Provide for the creation of additional personally identifiable information that is not readily available to the public at the time the bill is introduced;

2. Create an activity that would constitute an intrusion upon the privacy of an individual, or alter an activity in such a way as to create such an intrusion;

3. Use the name, picture, or likeness of an individual without the consent of the individual, or the consent of the individual's parent or guardian if the individual is a minor; or

4. Permit or cause publicity to be given to the private life of an individual.

*Finally,*  
This bill creates an individual income tax and corporate income tax and franchise tax credit for training related to information technology. The bill requires that the information technology training include training in privacy rights and information policy. The credit is an amount equal to 50% of the amount that a claimant pays for the claimant or the claimant's spouse, dependent, or employee to receive training related to information technology. The credit is nonrefundable. If the amount of the credit exceeds the claimant's tax liability, the state will not issue a refund check, but the claimant may carry forward any remaining credit to subsequent taxable years. A claimant who receives the credit, however, must pay back the amount of the credit if the individual who receives the training is not employed in this state in an occupation related to information technology within one year after the individual completes the training or if the individual is employed in that occupation for less than one year.

*Finally,*  
This bill prohibits a person who sells motor fuel from doing so by the use of a pump that allows a purchaser to insert a credit card or debit if the pump issues a receipt that contains more than the last four digits of the credit card or debit number.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 SECTION 1. 11.21 (5) of the statutes is amended to read:

2 11.21 (5) Make the reports and statements filed with it available for public  
3 inspection and copying, commencing as soon as practicable but not later than the end  
4 of the 2nd day following the day during which they are received, and permit copying  
5 of any report or statement by hand or by duplicating machine at cost, as requested  
6 by any person. ~~No Notwithstanding s. 19.35 (1) (jm), no information copied from such~~  
7 reports and statements may be sold or utilized by any person for the purpose of  
8 soliciting contributions from individuals identified in the reports or statements or for  
9 any commercial purpose.



to whether there was a legitimate public interest in the matter involved or with actual knowledge that there was no legitimate public interest in the matter publicized.

This bill adds another definition of "invasion of privacy". Under the bill, it is an invasion of a person's privacy if publicity is given to a matter concerning that person that places that person in a false light if that false light would be highly offensive to another person.

Under the bill, if the person placed in the false light is a public person, the person who publicized the matter is liable for an invasion of the person's privacy if the publisher had knowledge of the falsity of the matter or acted with reckless disregard as to the falsity of the matter. If the person placed in the false light is a private person, the person who publicized the matter is liable for an invasion of the person's privacy if the publisher did not use reasonable care. Under the bill, the truth of the publicized matter is a defense to an action for invasion of the person's privacy if the publisher acted with good motives and for justifiable ends.

This is a preliminary draft. An analysis will be provided in a later version.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           SECTION 1. 11.21 (5) of the statutes is amended to read:

2           11.21 (5) Make the reports and statements filed with it available for public  
3 inspection and copying, commencing as soon as practicable but not later than the end  
4 of the 2nd day following the day during which they are received, and permit copying  
5 of any report or statement by hand or by duplicating machine at cost, as requested  
6 by any person. No Notwithstanding s. 19.35 (1) (jm), no information copied from such  
7 reports and statements may be sold or utilized by any person for the purpose of  
8 soliciting contributions from individuals identified in the reports or statements or for  
9 any commercial purpose.

10          SECTION 2. 11.22 (8) of the statutes is amended to read:

11          11.22 (8) Make the reports and statements filed with the filing officer available  
12 for public inspection and copying, commencing as soon as practicable but not later

1 than the end of the 2nd day following the day during which they are received, and  
2 permit copying of any report or statement by hand or by duplicating machine at cost,  
3 as requested by any person. ~~No~~ Notwithstanding s. 19.35 (1) (jm), no information  
4 copied from such reports and statements may be sold or utilized by any person for  
5 the purpose of soliciting contributions from individuals identified in the reports or  
6 statements or for any commercial purpose.

7 **SECTION 3.** 13.0991 of the statutes is created to read:

8 **13.0991 Privacy impact statements. (1)** In this section:

9 (a) “Authority” means a body created under ch. 231, 232, 233, 234, or 235.

10 (b) “Impact upon personal privacy” means that a bill would do one or more of  
11 the following:

12 1. Provide for the creation of additional personally identifiable information  
13 that is not readily available to the public at the time the bill is introduced.

14 2. Create an activity that would constitute an intrusion upon the privacy of an  
15 individual, or alter an activity in such a way as to create such an intrusion.

16 3. Use the name, picture, or likeness of an individual without the consent of the  
17 individual, or the consent of the individual’s parent or guardian if the individual is  
18 a minor.

19 4. Permit or cause publicity to be given to the private life of an individual.

20 (c) “Personally identifiable information” has the meaning given under s. 19.62  
21 (5).

22 (d) “State agency” means an office, department, independent agency,  
23 institution of higher education, association, society, or other body in state  
24 government created or authorized to be created by the constitution or any law, which

1 is entitled to expend moneys appropriated by law, including the legislature and the  
2 courts, but not including an authority.

3 (2) (a) Whenever a bill is introduced in either house of the legislature that  
4 would have an impact upon personal privacy, the legislative reference bureau shall  
5 promptly transmit a copy of the bill to the department of administration.

6 (b) Either house of the legislature may, under rules of that house or joint rules  
7 of the legislature, request the department of administration to order the preparation  
8 of a privacy impact statement with respect to any bill before that house, either in its  
9 original form or as affected by one or more amendments. If a house so requests, the  
10 chief clerk of that house shall thereupon transmit a copy of that bill and any affected  
11 amendments to the department of administration.

12 (3) Upon receipt of a bill under sub. (2), the department of administration shall  
13 direct one or more state agencies or authorities to prepare a privacy impact  
14 statement with respect to that bill. Each privacy impact statement shall describe the  
15 impact upon personal privacy that would result from enactment of the bill and  
16 analyze the desirability of that impact from the standpoint of public policy.

17 (4) Each state agency or authority receiving a bill under sub. (3) shall provide  
18 the statement required under sub. (3) to the department of administration within 15  
19 days after the department's directive.

20 (5) Upon receiving a privacy impact statement under sub. (4), the department  
21 of administration shall provide one copy to the legislative reference bureau, one copy  
22 to the principal author of the bill, and one copy to the chief clerk of the house of the  
23 legislature in which the bill originated. The chief clerk shall thereupon distribute  
24 the statement in the same manner as amendments to the bill are distributed.

1 (6) Whenever a bill requires preparation of a privacy impact statement under  
 2 this section, the legislative reference bureau shall include a notation to that effect  
 3 on the jacket of the bill when the jacket is prepared. If the preparation of a privacy  
 4 impact statement is requested by a house of the legislature, the chief clerk of that  
 5 house shall include a notation to that effect on the jacket of the bill.

6 (7) Whenever a privacy impact statement is required or requested for any bill  
 7 under this section, a standing committee to which the bill is referred may not hold  
 8 a public hearing on the bill or report the bill until the statement is received by the  
 9 chief clerk of the house in which the bill originated.

10 SECTION 4. 19.35 (1) (jm) of the statutes is created to read:

11 19.35 (1) (jm) A requester who receives any personally identifiable information  
 12 under pars. (a) to (f) may not use or disclose that information for any commercial  
 13 purpose, as defined in s. 895.50 (2) (am), without first obtaining, not more than one  
 14 year before the date of the use, the written consent of the individual who is the subject  
 15 of the personally identifiable information or, if that individual is a minor, the written  
 16 consent of the individual's parent or legal guardian.

17 SECTION 5. 19.36 (10) of the statutes is created to read:

18 19.36 (10) SOCIAL SECURITY ACCOUNT NUMBERS. (a) Except as provided in par.  
 19 (b), if a new record containing a social security account number of an individual,  
 20 together with information revealing the identity of that individual, is kept by an  
 21 authority ~~on or after~~ <sup>December 31, 2002</sup> ~~January 1, 2003~~, or if a record in the custody of an authority is  
 22 modified to insert the social security account number of an individual ~~on or after~~  
 23 ~~January 1, 2003~~ <sup>December 31, 2002</sup> and the record contains information revealing the identity of that  
 24 individual, the authority shall delete the social security account number before

1 permitting access to the record, unless the requester is specifically authorized by  
2 federal or state law to have access to the social security account number.

3 (b) Unless otherwise provided by federal or state law, including common law  
4 principles, a requester may have access to a record containing the social security  
5 account number of an individual if any of the following applies:

6 1. The <sup>requester is an individual and the</sup> record pertains to that ~~individual~~ <sup>requester</sup> alone, to the marital or parental rights  
7 or responsibilities of that ~~individual~~ <sup>requester</sup> and his or her spouse or former spouse, to  
8 property of that ~~individual~~ <sup>requester</sup> held jointly or in common tenancy with one or more other  
9 individuals, or to a civil legal action or proceeding in which the ~~individual~~ <sup>requester</sup> is a  
10 specifically named party, and the ~~individual~~ <sup>requester</sup> provides appropriate identification to  
11 the custodian.

12 2. The requester is an authorized representative of an insurer or an  
13 organization that performs investigations for insurers and the social security  
14 account number is relevant to an investigation of suspected, anticipated, or actual  
15 insurance fraud.

16 SECTION 6. 19.37 (4) of the statutes is renumbered 19.37 (4) (a).

17 SECTION 7. 19.37 (4) (b) and (c) of the statutes are created to read:

18 19.37 (4) (b) If any person misrepresents his or her identity for the purpose of  
19 obtaining access to the social security account number of another individual under  
20 s. 19.36 (10) <sup>(b) 1.</sup>, the person may be required to forfeit not more than \$1,000 for each  
21 social security account number obtained by the person by means of such  
22 misrepresentation.

23 (c) If an insurer or other person obtains a social security account number under  
24 s. 19.36 (10) <sup>(b) 2.</sup> and uses that number for purposes other than an investigation as  
25 provided in ~~that paragraph~~ <sup>5.19.36 (10) (b) 2</sup>, the person may be required to forfeit not more than

1 \$1,000 for each social security account number used by the person for such  
2 unauthorized purposes.

3 **SECTION 8.** 23.45 (6) of the statutes is created to read:

4 23.45 (6) A person who obtains a list from the department may not use or  
5 disclose any personal identifier or any other personally identifiable information, as  
6 defined in s. 19.62<sup>✓</sup>(5), disclosed on that list for any commercial purpose, as defined  
7 in s. 895.50 (2) (am)<sup>✓</sup>, without first obtaining, not more than one year before the date  
8 of the use or disclosure, the written consent of the individual who is the subject of the  
9 personal identifier or personally identifiable information or, if that individual is a  
10 minor, the written consent of the individual's parent or legal guardian.

11 **SECTION 9.** 36.11 (35) (title) of the statutes is renumbered 36.32<sup>^</sup> (title). ✓

12 **SECTION 10.** 36.11 (35) of the statutes is renumbered 36.32<sup>^</sup> (2) and amended  
13 to read:

14 36.32 (2) ~~The board~~ An institution of higher education may assign to each  
15 student enrolled in the ~~system~~ institution a unique identification number. ~~The board~~  
16 An institution of higher education shall not assign to any student an identification  
17 number that is identical to or incorporates the student's social security number. This  
18 subsection does not prohibit ~~the board~~ an institution of higher education from  
19 requiring a student to disclose his or her social security number, nor from using a  
20 student's social security number if such use is required by a federal or state agency  
21 or private organization in order for the system or the student to participate in a  
22 particular program.

23 **SECTION 11.** 36.32 (1) of the statutes is created to read:

24 36.32 (1) In this section, "institution of higher education" means an institution  
25 within the <sup>✓</sup>system, or a private educational institution located in this state that

1 awards a bachelor's or higher degree or provides a program that is acceptable toward  
2 such a degree.

3 **SECTION 12.** 36.38 of the statutes is created to read:

4 **36.38 Policy on privacy in athletic locker rooms.** Each institution and  
5 college campus shall adopt a written policy on who may enter and remain, to  
6 interview or seek information from any person, in a locker room being used by an  
7 athletic team representing the institution or college campus. The policy shall reflect  
8 the privacy interests of members of athletic teams representing the institution or  
9 college campus.

10 **SECTION 13.** 38.12 (12) of the statutes is created to read:

11 **38.12 (12) POLICY ON PRIVACY IN ATHLETIC LOCKER ROOMS.** The district board shall  
12 adopt a written policy on who may enter and remain, to interview or seek information  
13 from any person, in a locker room being used by an athletic team representing the  
14 district. The policy shall reflect the privacy interests of members of athletic teams  
15 representing the district.

16 **SECTION 14.** 39.49 of the statutes is created to read:

17 **39.49 Policy on privacy in athletic locker rooms.** (1) In this section,  
18 "institution of higher education" means a private educational institution that  
19 awards a bachelor's or higher degree or provides a program that is acceptable for  
20 credit toward such a degree, and that fields an athletic team that represents the  
21 institution.

22 (2) Each institution of higher education shall adopt a written policy on who  
23 may enter and remain, to interview or seek information from any person, in a locker  
24 room being used by an athletic team representing the institution. The policy shall

1 reflect the privacy interests of members of athletic teams representing the  
2 institution. ✓

3 **SECTION 15.** 59.20 (3) (d) of the statutes is amended to read:

4 59.20 (3) (d) Any register of deeds who in good faith makes an erroneous  
5 determination as to the accessibility of a portion of a record, to members of the public  
6 under s. 19.36 (6), is not subject to any penalty for denial of access to the record under  
7 s. 19.37 (4) (a).

8 **SECTION 16.** 71.05 (6) (a) 15. of the statutes is amended to read:

9 71.05 (6) (a) 15. The amount of the credits computed under s. 71.07 (2dd), (2de),  
10 (2di), (2dj), (2dL), (2dr), (2ds), (2dx) and, (3s), and (5s) and not passed through by a  
11 partnership, limited liability company or tax-option corporation that has added that  
12 amount to the partnership's, company's or tax-option corporation's income under s.  
13 71.21 (4) or 71.34 (1) (g).

14 **SECTION 17.** 71.07 (5s) of the statutes is created to read:

15 71.07 (5s) INFORMATION TECHNOLOGY TRAINING CREDIT. (a) In this subsection: ✓

16 1. "Claimant" means an individual, a sole proprietor, a partner, a member of  
17 a limited liability company, or a shareholder of a tax-option corporation who files a  
18 claim under this subsection. ✓

19 2. "Information technology" has the meaning given in s. 16.97 (6). ✓

20 3. "Information technology training" means training in information technology  
21 that also includes training in privacy rights and information policy.

22 4. "Qualified institution" means any university, college, technical college, or  
23 school approved under s. 45.54. ✓

24 (b) Subject to the limitations provided in this subsection, a claimant may claim  
25 as a credit against the tax imposed under s. 71.02, an amount equal to 50% of the

, up to the amount of those taxes,



1 amount that the claimant paid during the taxable year for the claimant or the  
2 claimant's spouse, dependent, or employee to receive information technology  
3 training at a qualified institution.

4 (c) The amount of the credit for each claimant under this subsection shall not  
5 exceed \$2,500 in a taxable year for each individual for whom the claimant pays an  
6 amount as provided in par. (b).

7 (d) A claimant who receives a credit under par. (b) shall add to the claimant's  
8 liability for taxes imposed under s. 71.02 an amount that is equal to the total amount  
9 of the credits received under par. (b), if any of the following occur:

10 1. The individual who received the training as specified under par. (b) is not  
11 employed in this state in an occupation related to information technology within one  
12 year after the individual completes the training.

13 2. The individual who received the training as specified under par. (b) is  
14 employed in this state in an occupation related to information technology for less  
15 than one year.

16 (e) A claimant may not claim the credit under par. (b) for any amounts that the  
17 claimant excluded under s. 71.05 (6) (b) 28. or under section 127 of the Internal  
18 Revenue Code.

19 (f) The carry-over provisions of s. 71.28 (4) (e) and (f), as they apply to the credit  
20 under s. 71.28 (4), apply to the credit under this subsection.

21 (g) Partnerships, limited liability companies, and tax-option corporations may  
22 not claim the credit under this subsection, but the eligibility for, and the amount of,  
23 the credit are based on their payment of the amount under par. (b). A partnership,  
24 limited liability company, or tax-option corporation shall compute the amount of  
25 credit that each of its partners, members, or shareholders may claim and shall

1 provide that information to each of them. Partners, members of limited liability  
2 companies, and shareholders of tax-option corporations may claim the credit in  
3 proportion to their ownership interest.

4 (h) Section 71.28 (4) (g) and (h), as it applies to the credit under s. 71.28 (4),  
5 applies to the credit under this subsection.

6 **SECTION 18.** 71.10 (4) (gv) of the statutes is created to read:

7 71.10 (4) (gv) Information technology training credit under s. 71.07 (5s).

8 **SECTION 19.** 71.21 (4) of the statutes is amended to read:

9 71.21 (4) Credits computed by a partnership under s. 71.07 (2dd), (2de), (2di),  
10 (2dj), (2dL), (2ds), (2dx) and (3s), and (5s) and passed through to partners shall be  
11 added to the partnership's income.

12 **SECTION 20.** 71.26 (2) (a) of the statutes is amended to read:

13 71.26 (2) (a) *Corporations in general.* The "net income" of a corporation means  
14 the gross income as computed under the ~~internal revenue code~~ Internal Revenue  
15 Code as modified under sub. (3) minus the amount of recapture under s. 71.28 (1di)  
16 plus the amount of credit computed under s. 71.28 (1) and (3) to (5) plus the amount  
17 of the credit computed under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1ds) and (1dx),  
18 and (5s) and not passed through by a partnership, limited liability company or  
19 tax-option corporation that has added that amount to the partnership's, limited  
20 liability company's or tax-option corporation's income under s. 71.21 (4) or 71.34 (1)  
21 (g) plus the amount of losses from the sale or other disposition of assets the gain from  
22 which would be wholly exempt income, as defined in sub. (3) (L), if the assets were  
23 sold or otherwise disposed of at a gain and minus deductions, as computed under the  
24 ~~internal revenue code~~ Internal Revenue Code as modified under sub. (3), plus or  
25 minus, as appropriate, an amount equal to the difference between the federal basis

1 and Wisconsin basis of any asset sold, exchanged, abandoned or otherwise disposed  
2 of in a taxable transaction during the taxable year, except as provided in par. (b) and  
3 s. 71.45 (2) and (5).

4 **SECTION 21.** 71.28 (5s) of the statutes is created to read:

5 **71.28 (5s) INFORMATION TECHNOLOGY TRAINING CREDIT.** (a) In this subsection:

6 1. "Claimant" means a corporation that files a claim under this subsection.

7 2. "Information technology" has the meaning given in s. 16.97 (6).

8 3. "Information technology training" means training in information technology  
9 that also includes training in privacy rights and information policy.

10 4. "Qualified institution" means any university, college, technical college, or  
11 school approved under s. 45.54.

12 (b) Subject to the limitations provided in this subsection, a claimant may claim  
13 as a credit against the tax imposed under s. 71.23 an amount equal to 50% of the  
14 amount that the claimant paid during the taxable year for an employee to receive  
15 information technology training at a qualified institution.

16 (c) The amount of the credit for each claimant under this subsection shall not  
17 exceed \$2,500 in a taxable year for each employee for whom the claimant pays an  
18 amount as provided in par. (b).

19 (d) A claimant who receives a credit under par. (b) shall add to the claimant's  
20 liability for taxes imposed under s. 71.23 an amount that is equal to the total amount  
21 of the credits received under par. (b), if any of the following occur:

22 1. The employee who received the training as specified under par. (b) is not  
23 employed in this state in an occupation related to information technology within one  
24 year after the employee completes the training.

1           2. The employee who received the training as specified under par. (b) is  
2 employed in this state in an occupation related to information technology for less  
3 than one year.

4           (e) A claimant may not claim the credit under par. (b) for any amounts that the  
5 claimant has excluded under section 127 of the Internal Revenue Code.

6           (f) The carry-over provisions of sub. (4) (e) and (f), as they apply to the credit  
7 under sub. (4), apply to the credit under this subsection.

8           (g) Partnerships, limited liability companies, and tax-option corporations may  
9 not claim the credit under this subsection, but the eligibility for, and the amount of,  
10 the credit are based on their payment of the amount under par. (b). A partnership,  
11 limited liability company, or tax-option corporation shall compute the amount of  
12 credit that each of its partners, members, or shareholders may claim and shall  
13 provide that information to each of them. Partners, members of limited liability  
14 companies, and shareholders of tax-option corporations may claim the credit in  
15 proportion to their ownership interest.

16           (h) Subsection (4) (g) and (h), as it applies to the credit under sub. (4), applies  
17 to the credit under this subsection.

18           **SECTION 22.** 71.30 (3) (eon) of the statutes is created to read:

19           71.30 (3) (eon) Information technology training credit under s. 71.28 (5s).

20           **SECTION 23.** 71.34 (1) (g) of the statutes is amended to read:

21           71.34 (1) (g) An addition shall be made for credits computed by a tax-option  
22 corporation under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx) ~~and~~, (3), and  
23 (5s) and passed through to shareholders.

24           **SECTION 24.** 71.45 (2) (a) 10. of the statutes is amended to read:

1           71.45 (2) (a) 10. By adding to federal taxable income the amount of credit  
2           computed under s. 71.47 (1dd) to (1dx) and (5s) and not passed through by a  
3           partnership, limited liability company or tax-option corporation that has added that  
4           amount to the partnership's, limited liability company's or tax-option corporation's  
5           income under s. 71.21 (4) or 71.34 (1) (g) and the amount of credit computed under  
6           s. 71.47 (1), (3), (4) and (5).

7           **SECTION 25.** 71.47 (5s) of the statutes is created to read:

8           71.47 (5s) INFORMATION TECHNOLOGY TRAINING CREDIT. (a) In this subsection:

9           1. "Claimant" means a corporation that files a claim under this subsection.

10          2. "Information technology" has the meaning given in s. 16.97 (6).

11          3. "Information technology training" means training in information technology  
12          that also includes training in privacy rights and information policy.

13          4. "Qualified institution" means any university, college, technical college or  
14          school approved under s. 45.54.

15          (b) Subject to the limitations provided in this subsection, a claimant may claim  
16          as a credit against the tax imposed under s. 71.43 an amount equal to 50% of the  
17          amount that the claimant paid during the taxable year for an employee to receive  
18          information technology training at a qualified institution.

19          (c) The amount of the credit for each claimant under this subsection shall not  
20          exceed \$2,500 in a taxable year for each employee for whom the claimant pays an  
21          amount as provided in par. (b).

22          (d) A claimant who receives a credit under par. (b) shall add to the claimant's  
23          liability for taxes imposed under s. 71.43 an amount that is equal to the total amount  
24          of the credits received under par. (b), if any of the following occur:

1           1. The employee who received the training as specified under par. (b) is not  
2 employed in this state in an occupation related to information technology within one  
3 year after the employee completes the training.

4           2. The employee who received the training as specified under par. (b) is  
5 employed in this state in an occupation related to information technology for less  
6 than one year.

7           (e) A claimant may not claim the credit under par. (b) for any amounts that the  
8 claimant has excluded under section 127 of the Internal Revenue Code.

9           (f) The carry-over provisions of s. 71.28 (4)(e) and (f), as they apply to the credit  
10 under s. 71.28 (4), apply to the credit under this subsection.

11           (g) Partnerships, limited liability companies, and tax-option corporations may  
12 not claim the credit under this subsection, but the eligibility for, and the amount of,  
13 the credit are based on their payment of the amount under par. (b). A partnership,  
14 limited liability company, or tax-option corporation shall compute the amount of  
15 credit that each of its partners, members, or shareholders may claim and shall  
16 provide that information to each of them. Partners, members of limited liability  
17 companies, and shareholders of tax-option corporations may claim the credit in  
18 proportion to their ownership interest.

19           (h) Section 71.28 (4) (g) and (h), as it applies to the credit under s. 71.28 (4),  
20 applies to the credit under this subsection.

21           **SECTION 26.** 71.49 (1) (con) of the statutes is created to read:

22           71.49 (1) (con) Information technology training credit under s. 71.17 (5s).

23           **SECTION 27.** 77.92 (4) of the statutes is amended to read:

24           77.92 (4) "Net business income", with respect to a partnership, means taxable  
25 income as calculated under section 703 of the Internal Revenue Code; plus the items

1 of income and gain under section 702 of the Internal Revenue Code, including taxable  
2 state and municipal bond interest and excluding nontaxable interest income or  
3 dividend income from federal government obligations; minus the items of loss and  
4 deduction under section 702 of the Internal Revenue Code, except items that are not  
5 deductible under s. 71.21; plus guaranteed payments to partners under section 707  
6 (c) of the Internal Revenue Code; plus the credits claimed under s. 71.07 (2dd), (2de),  
7 (2di), (2dj), (2dL), (2dr), (2ds), (2dx) and (3s), and (5s) and plus or minus, as  
8 appropriate, transitional adjustments, depreciation differences and basis  
9 differences under s. 71.05 (13), (15), (16), (17) and (19); but excluding income, gain,  
10 loss and deductions from farming. “Net business income”, with respect to a natural  
11 person, estate or trust, means profit from a trade or business for federal income tax  
12 purposes and includes net income derived as an employe as defined in section 3121  
13 (d) (3) of the Internal Revenue Code.

14 **SECTION 28.** 85.103 (6m) of the statutes is created to read:

15 85.103 (6m) A person who obtains a personal identifier or any other personally  
16 identifiable information, as defined in s. 19.62 (5), from the department may not use  
17 or disclose that personal identifier or other personally identifiable information for  
18 any commercial purpose, as defined in s. 895.50 (2) (am), without first obtaining, not  
19 more than one year before the date of the use or disclosure, the written consent of the  
20 individual who is the subject of the personal identifier or personally identifiable  
21 information or, if that individual is a minor, the written consent of the individual’s  
22 parent or legal guardian.

23 **SECTION 29.** 85.105 (3) of the statutes is created to read:

24 85.105 (3) A person who receives any personally identifiable information, as  
25 defined in s. 19.62 (5), under a contract under this section entered into, extended,

1 modified, or renewed on or after the effective date of this subsection .... [revisor  
2 inserts date], may not use or disclose that information for any commercial purpose,  
3 as defined in s. 895.50 (2) (am), without first obtaining, not more than one year before  
4 the date of the use or disclosure, the written consent of the individual to whom the  
5 personally identifiable information relates or, if that individual is a minor, the  
6 written consent of the individual's parent or legal guardian.

7 **SECTION 30.** 100.264 (2) (intro.) of the statutes is amended to read:

8 100.264 (2) SUPPLEMENTAL FORFEITURE. (intro.) If a fine or a forfeiture is  
9 imposed on a person for a violation under s. 100.16, 100.17, 100.18, 100.182, 100.183,  
10 100.20, 100.205, 100.207, 100.21, 100.30 (3), 100.35, 100.44 ~~or~~, 100.46, or 100.52 or  
11 a rule promulgated under one of those sections, the person shall be subject to a  
12 supplemental forfeiture not to exceed \$10,000 for that violation if the conduct by the  
13 defendant, for which the violation was imposed, was perpetrated against an elderly  
14 person or disabled person and if the court finds that any of the following factors is  
15 present:

16 **SECTION 31.** 100.264 (2) (intro.) of the statutes is amended to read: ✓

17 100.264 (2) SUPPLEMENTAL FORFEITURE. (intro.) If a fine or a forfeiture is  
18 imposed on a person for a violation under s. 100.16, 100.17, 100.18, 100.182, 100.183,  
19 100.20, 100.205, 100.207, 100.21, 100.30 (3), 100.35, 100.44 ~~or~~, 100.46, or 100.52 or  
20 a rule promulgated under one of those sections, the person shall be subject to a  
21 supplemental forfeiture not to exceed \$10,000 for that violation if the conduct by the  
22 defendant, for which the violation was imposed, was perpetrated against an elderly  
23 person or disabled person and if the court finds that any of the following factors is  
24 present:

25 **SECTION 32.** 100.264 (2) (intro.) of the statutes is amended to read:



1           100.264 (2) SUPPLEMENTAL FORFEITURE. (intro.) If a fine or a forfeiture is  
2 imposed on a person for a violation under s. 100.16, 100.17, 100.18, 100.182, 100.183,  
3 100.20, 100.205, 100.207, 100.21, 100.30 (3), 100.35, 100.44 or, 100.46, or 100.52 or  
4 a rule promulgated under one of those sections, the person shall be subject to a  
5 supplemental forfeiture not to exceed \$10,000 for that violation if the conduct by the  
6 defendant, for which the violation was imposed, was perpetrated against an elderly  
7 person or disabled person and if the court finds that any of the following factors is  
8 present:

9           SECTION 33. 100.52 of the statutes is created to read:

10           **100.52 Telephone solicitations. (1) DEFINITIONS.** In this section:

11           <sup>g</sup>(a) "Basic local exchange service" has the meaning in s. 196.01 (1g).  
*INSERT 25-10*

12           <sup>e</sup>(b) "Residential customer" means an individual who is furnished with basic  
13 local exchange service by a telecommunications utility.

14           <sup>f</sup>(c) "Telecommunications utility" has the meaning given in s. 196.01 (10). ✓

15           <sup>d</sup>(d) "Telephone directory" means the telephone directory distributed to the  
16 general public by a telecommunications utility that furnishes basic local exchange  
17 service to a residential customer.

18           (2) DIRECTORY LISTING. (a) Upon a request by a residential customer, a  
19 telecommunications utility furnishing basic local exchange service to the residential  
20 customer shall include in its telephone directory a listing or symbol indicating that  
21 the residential customer does not want to receive any telephone solicitation.

22           (b) A telecommunications utility may impose a onetime charge applicable to a  
23 change in a telephone directory for a listing or symbol requested under par. (a). A  
24 charge under this paragraph may not exceed the cost incurred by a  
25 telecommunications utility in making a change to a telephone directory. Upon a

1 complaint filed by residential customer, the department may investigate whether a  
2 charge by a telecommunications utility violates this paragraph and may order a  
3 telecommunications utility to impose a charge that complies with this paragraph.

4 (c) A person may not make a telephone solicitation to a residential customer  
5 if a telephone directory in effect at the time of the telephone solicitation includes a  
6 listing or symbol indicating that the residential customer does not want to receive  
7 any telephone solicitation.

INSERT 26-7A

INSERT 26-7B

8 (4) ENFORCEMENT. The department shall investigate violations of this section  
9 and may bring an action for temporary or permanent injunctive or other relief for any  
10 violation of this section.

11 (5) PENALTIES. (a) A person who violates sub. (2) (c) may be required to forfeit  
12 not more than \$10,000.

13 (b) A person <sup>except as provided in par. (b),</sup> who violates ~~this section~~ <sup>this section</sup> may be required to forfeit not more than \$500.

14 (6) TERRITORIAL APPLICATION. This section applies to any interstate telephone  
15 solicitation received by a person in this state and any intrastate telephone  
16 solicitation.

17 SECTION 34. 100.52 of the statutes is created to read:

18 100.52 Telephone solicitations. (1) DEFINITIONS. In this section:

19 (a) "Automatic telephone dialing system" means equipment that has the  
20 capacity to store or produce telephone numbers that are called using a random or  
21 sequential number generator and to call such telephone numbers.

22 (2) AUTOMATIC DIALING. No person may, in making a telephone solicitation, use  
23 an automatic telephone dialing system in such a way that 2 or more telephone lines  
24 are engaged simultaneously.

INSERT 25-10  
INSERT 26-7A

*[Handwritten scribbles]*

1           (4) ENFORCEMENT. The department shall investigate violations of this section  
2 and may bring an action for temporary or permanent injunctive or other relief for any  
3 violation of this section.

4           (5) TERRITORIAL APPLICATION. This section applies to any interstate telephone  
5 solicitation received by a person in this state and to any intrastate telephone  
6 solicitation.

7           (6) PENALTY. A person who violates this section may be required to forfeit not  
8 more than \$500 for each violation.

9           ~~SECTION 35. 100.52 of the statutes is created to read:~~

10           ~~100.52 Blocking services prohibited in telephone solicitations. (1)~~

11           ~~DEFINITIONS. In this section.~~

12           <sup>C</sup>(a) "Blocking service" means a service that allows a person who makes a  
13 telephone call to withhold his or her telephone number or name from a person who  
14 receives the telephone call and who uses a caller identification service.

15           <sup>b</sup>(b) "Caller identification service" means a service that allows a person who  
16 receives a telephone call to identify the telephone number or name of the person  
17 making the telephone call.

18           ~~(c) "Telephone solicitation" has the meaning given in s. 134.72(1)(c).~~

19 INSECT  
26-78

20           <sup>(4)</sup>(d) BLOCKING SERVICES. No person may use a blocking service when making a  
telephone solicitation.

21           ~~(3) ENFORCEMENT. The department shall investigate violations of this section~~  
22 and may bring an action for temporary or permanent injunctive or other relief for any  
23 violation of this section.

~~108.14 (7) (a)~~

1 (4) TERRITORIAL APPLICATION. This section applies to any interstate telephone  
2 solicitation received by a person in this state and to any intrastate telephone  
3 solicitation.

4 (5) PENALTY. A person who violates this section may be required to forfeit not  
5 more than \$500 for each violation.

6 SECTION 36. 108.14 (7) (a) of the statutes is amended to read:

7 108.14 (7) (a) The records made or maintained by the department or  
8 commission in connection with the administration of this chapter are confidential  
9 and shall be open to public inspection or disclosure only to the extent that the  
10 department or commission permits in the interest of the unemployment insurance  
11 program. No person may permit inspection or disclosure of any record provided to  
12 it by the department or commission unless, in addition to the person complying with  
13 s. 19.35 (1) (jm), if applicable, the department or commission authorizes the  
14 inspection or disclosure.

15 SECTION 37. 118.39 of the statutes is created to read:

16 **118.39 Policy on privacy in athletic locker rooms.** Each school board, and  
17 the governing body of each private school that fields an athletic team representing  
18 the school, shall adopt a written policy on who may enter and remain, to interview  
19 or seek information from any person, in a locker room being used by an athletic team  
20 representing the private school or representing a public school in the school district.  
21 The policy shall reflect the privacy interests of members of athletic teams  
22 representing the school.

23 SECTION 38. 134.72 (title) of the statutes is amended to read:

24 **134.72 (title) Prohibition of certain unsolicited messages by telephone**  
25 **or facsimile machine.**

1 SECTION 39. 134.72 (title) of the statutes is amended to read:

2 134.72 (title) **Prohibition of certain unsolicited messages by telephone**  
3 **or facsimile machine.**

4 SECTION 40. 134.72 (1) (c) of the statutes is renumbered 100.52 (1) (e). <sup>gh</sup>

5 ~~SECTION 41. 134.72 (1) (c) of the statutes is renumbered 100.52 (1) (b).~~

6 SECTION 42. 134.72 (2) (a) of the statutes is renumbered 100.52 (5). <sup>5</sup>

7 ~~SECTION 43. 134.72 (2) (a) of the statutes is renumbered 100.52 (3).~~

8 SECTION 44. 134.72 (2) (b) (title) of the statutes is repealed. ✓

9 ~~SECTION 45. 134.72 (2) (b) (title) of the statutes is repealed.~~

10 SECTION 46. 134.72 (2) (b) of the statutes is renumbered 134.72 (2), and 134.72  
11 (2) (b), as renumbered, is amended to read:

12 134.72 (2) (b) Notwithstanding subd. 1. par. (a), a person may not make a  
13 facsimile solicitation to a person who has notified the facsimile solicitor in writing  
14 or by facsimile transmission that the person does not want to receive facsimile  
15 solicitation. ✓

16 ~~SECTION 47. 134.72 (2) (b) 1. of the statutes is renumbered 134.72 (2) (b).~~

17 SECTION 48. 134.72 (2) (b) 2. of the statutes is renumbered 134.72 (2) (c) and  
18 amended to read:

19 134.72 (2) (c) Notwithstanding subd. 1. par. (b), a person may not make a  
20 facsimile solicitation to a person who has notified the facsimile solicitor in writing  
21 or by facsimile transmission that the person does not want to receive facsimile  
22 solicitation.

23 SECTION 49. 134.72 (3) (a) of the statutes is amended to read:

24 134.72 (3) (a) *Intrastate*. This section applies to any intrastate telephone  
25 solicitation or intrastate facsimile solicitation. ✓

1 SECTION 50. 134.72 (3) (a) of the statutes is amended to read:

2 134.72 (3) (a) *Intrastate*. This section applies to any intrastate telephone  
3 solicitation or intrastate facsimile solicitation.

4 SECTION 51. 134.72 (3) (b) of the statutes is amended to read:

5 134.72 (3) (b) *Interstate*. This section applies to any interstate telephone  
6 solicitation, or interstate facsimile solicitation, received by a person in this state.

7 SECTION 52. 134.72 (3) (b) of the statutes is amended to read:

8 134.72 (3) (b) *Interstate*. This section applies to any interstate telephone  
9 solicitation, or interstate facsimile solicitation, received by a person in this state.

10 SECTION 53. 134.72 (4) of the statutes is amended to read:

11 134.72 (4) PENALTY. A person who violates this section may be required to  
12 forfeit up to not more than \$500.

13 SECTION 54. 134.72 (4) of the statutes is amended to read:

14 134.72 (4) PENALTY. A person who violates this section may be required to  
15 forfeit up to not more than \$500.

16 SECTION 55. 134.92 of the statutes is created to read:

17 134.92 Motor fuel purchases with the use of a credit card. No person may  
18 sell motor fuel dispensed at a pump at which the purchaser may make payment for  
19 the motor fuel by the insertion of a credit card unless no more than the last 4 digits  
20 of the credit card number are displayed on any receipt issued automatically from the  
21 pump.

22 SECTION 56. 138.25 of the statutes is created to read:

23 138.25 Credit card records. (1) DEFINITIONS. In this section:

24 (a) "Affiliate," when used in relation to any person, means a company that  
25 controls, is controlled by, or is under common control with the person.

LPS: it's a "2"

Notwithstanding s. 895.50 (2) (bm) 2m, a

- 1 (b) "Cardholder" has the meaning given in s. 943.41 (1) (b).
- 2 (c) "Consumer report" has the meaning given in 15 USC 1681a (d).
- 3 (d) "Consumer reporting agency" has the meaning given in 15 USC 1681a (f).
- 4 (e) "Fair Credit Reporting Act" means 15 USC 1681 to 1681u, as amended.
- 5 (f) "Financial transaction card" has the meaning given in s. 943.41 (1) (em).

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

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

12 (a) The disclosure is made to a consumer reporting agency for purposes of a  
 13 consumer report or by a consumer reporting agency as authorized under the Fair  
 14 Credit Reporting Act.

15 (b) The disclosure is made to an affiliate of the person making the disclosure.  
 16 The affiliate may not disclose any information received pursuant to this paragraph  
 17 to a person other than the person who initially disclosed the information to the  
 18 affiliate, unless the person who initially disclosed the information to the affiliate

19 ~~would~~ make the disclosure under this section is permitted to  
 subsection

20 (c) If the issuer of the financial transaction card is a retailer, the disclosure is  
 21 made to or by contractors or agents of the issuer for the purposes of performing  
 22 functions for or on behalf of the issuer. The contractor or agent may not disclose any  
 23 information received pursuant to this paragraph to a person other than the issuer,  
 24 unless the issuer ~~would~~ make the disclosure under this section is permitted to  
 subsection

subsection is permitted to

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

4 (5) INJUNCTION. The department of justice may commence an action in circuit  
5 court in the name of the state to restrain by temporary or permanent injunction any  
6 act or practice constituting a violation of sub. (2).

7 SECTION 57. 146.833 of the statutes is created to read:

*use for*

8 **146.833 Use of social security numbers prohibited.** A health care  
9 provider may not ~~assign to~~ any patient an identification number that is identical to  
10 or incorporates the patient's social security number. This section does not prohibit  
11 the health care provider from requiring a patient to disclose his or her social security  
12 number, or from using a patient's social security number if that use is required by  
13 a federal or state agency in order for the patient to participate in a particular  
14 program.

15 SECTION 58. 175.22 of the statutes is created to read:

16 **175.22 Policy on privacy for professional athletic teams.** Any  
17 professional athletic team that has its home field or arena in this state shall adopt  
18 a written policy on who may enter and remain, to interview or seek information from  
19 any person, in a locker room used by the professional athletic team. The policy shall  
20 reflect the privacy interests of members of the professional athletic team.

21 SECTION 59. Subchapter V of chapter 224 [precedes 224.991] of the statutes is  
22 created to read:

23 **CHAPTER 224**

24 **SUBCHAPTER V**

25 **CONSUMER REPORTING AGENCIES**



1           **224.991 Definitions.** In this subchapter:

2           (1) “Consumer report” has the meaning given in 15 USC 1681a (d).

3           (2) “Consumer reporting agency” has the meaning given in 15 USC 1681a (f).

4           (3) “File” has the meaning given in 15 USC 1681a (g).

5           (4) “Investigative consumer report” has the meaning given in 15 USC 1681a

6 (e).

7           (5) “Summary of rights” means the information a consumer reporting agency

8 is required to provide under 15 USC 1681g (c).

9           **224.993 Disclosure to individual.** (1) IN GENERAL. A consumer reporting  
10 agency shall, upon the written request of an individual, provide the individual with  
11 a written disclosure report within 5 business days after receiving the written  
12 request.

13           (2) CONTENTS. Except as provided in sub. (4), the written disclosure report  
14 provided under sub. (1) shall contain all of the following:

15           (a) A current consumer report pertaining to the individual.

16           (b) The date of each request for credit information pertaining to the individual  
17 received by the consumer reporting agency during the 12 months before the date that  
18 the consumer reporting agency provides the written disclosure report.

19           (c) The name of each person requesting credit information pertaining to the  
20 individual during the 12 months before the date that the consumer reporting agency  
21 provides the written disclosure report.

22           (d) The dates, original payees, and amounts of any checks upon which any  
23 adverse characterization of the consumer is based.

24           (e) Any other information contained in the individual’s file.

1 (f) A clear and concise explanation of the contents of the written disclosure  
2 report.

3 (g) A summary of rights.

4 (3) COST. A consumer reporting agency shall provide the written disclosure  
5 report required under sub. (1) free of charge, unless the individual has requested a  
6 written disclosure report from the consumer reporting agency during the preceding  
7 12 months.

8 (4) EXCEPTIONS. A consumer reporting agency may not disclose to an individual  
9 making a request under sub. (1) any of the following:

10 (a) The sources of any information that was both acquired solely for use in  
11 preparing an investigative consumer report and used for no other purpose.

12 (b) Any credit score or other risk score or predictor relating to the consumer.

13 (5) PENALTY. Any person who violates this section may be fined not more than  
14 \$500 for the first offense and may be fined not more than \$1,000 or imprisoned for  
15 not more than 6 months or both for each subsequent offense occurring within 6  
16 months.

17 SECTION 60. 341.17 (9) (c) 3. of the statutes is amended to read:

18 341.17 (9) (c) 3. An insurer authorized to write property and casualty or life,  
19 disability, or long-term care insurance in this state or an agent of the insurer, if the  
20 insurer or agent uses the personal identifiers designated for nondisclosure under s.  
21 85.103 (2) or (3) for purposes of issuing or renewing a policy and related  
22 underwriting, billing, or processing or paying a claim. Notwithstanding par. (e), ~~no~~  
23 and s. 19.35 (1) (jm), an insurer, or an agent of an insurer, may use or disclose to  
24 another person for marketing purposes any a personal identifier received under this  
25 subdivision for the purposes specified in this subdivision, but may not use or disclose

1 the personal identifier for any other commercial purpose, as defined in s. 895.50 (2)  
2 (am), without first obtaining the consent of the individual to whom the personal  
3 identifier relates under sub. (10).

4 **SECTION 61.** 341.17 (9) (c) 4. of the statutes is amended to read:

5 341.17 (9) (c) 4. A person obtaining registration or title information for use in  
6 the conduct of a vehicle recall by the manufacturer of the vehicle or an agent of the  
7 manufacturer, if the person uses the personal identifiers designated for  
8 nondisclosure under s. 85.103 (2) or (3) for vehicle recalls. Notwithstanding par. (e),  
9 ~~no~~ and s. 19.35 (1) (jm), a person receiving a personal identifier under this  
10 subdivision may use or disclose the personal identifier to another person for  
11 marketing purposes for the purposes specified in this subdivision, but may not use  
12 or disclose the personal identifier for any other commercial purpose, as defined in s.  
13 895.50 (2) (am), without first obtaining the consent of the individual to whom the  
14 personal identifier relates under sub. (10).

15 **SECTION 62.** 341.17 (10) of the statutes is created to read:

16 341.17 (10) Any person who receives any personally identifiable information  
17 under this section may not use or disclose that information for any commercial  
18 purpose, as defined in s. 895.50 (2) (am), without first obtaining, not more than one  
19 year before the date of the use or disclosure, the written consent of the individual to  
20 whom the personally identifiable information relates or, if that individual is a minor,  
21 the written consent of the individual's parent or legal guardian. This subsection does  
22 not apply to a person specified in sub. (9) (c) 3. or 4. who uses or discloses personally  
23 identifiable information obtained under this section only for purposes specified in  
24 sub. (9) (c) 3. or 4.

25 **SECTION 63.** 343.235 (3) (b) of the statutes is amended to read:

1           343.235 (3) (b) An insurer authorized to write property and casualty or life,  
2           disability, or long-term care insurance in this state or an agent of the insurer, if the  
3           insurer or agent uses the personal identifiers for purposes of issuing or renewing a  
4           policy and related underwriting, billing, or processing or paying a claim.  
5           Notwithstanding sub. (5), ~~no~~ and s. 19.35 (1) (jm), an insurer, or an agent of an  
6           insurer, may use or disclose to another person for marketing purposes any a personal  
7           identifier received under this paragraph for the purposes specified in this paragraph,  
8           but may not use or disclose the personal identifier for any other commercial purpose,  
9           as defined in s. 895.50 (2) (am), without first obtaining the consent of the individual  
10          to whom the personal identifier relates under sub. (5m).

11           **SECTION 64.** 343.235 (5m) of the statutes is created to read:

12           343.235 (5m) Any person who receives any personally identifiable information  
13           under this section may not use or disclose that information for any commercial  
14           purpose, as defined in s. 895.50 (2) (am), without first obtaining, not more than one  
15           year before the date of the use or disclosure, the written consent of the individual to  
16           whom the personally identifiable information relates or, if that individual is a minor,  
17           the written consent of the individual's parent or legal guardian. This subsection does  
18           not apply to a person specified in sub. (3) (b) who uses or discloses personally  
19           identifiable information obtained under this section only for purposes specified in  
20           sub. (3) (b).

21           **SECTION 65.** 343.24 (4) (c) 2. of the statutes is amended to read:

22           343.24 (4) (c) 2. An insurer authorized to write property and casualty or life,  
23           disability, or long-term care insurance in this state or an agent of the insurer, if the  
24           insurer or agent uses the names or addresses for purposes of issuing or renewing a  
25           policy and related underwriting, billing, or processing or paying a claim.

1 Notwithstanding par. (e), ~~no~~ and s. 19.35 (1) (jm), an insurer, or an agent of an  
2 insurer, may use or disclose to another person for marketing purposes any a personal  
3 identifier received under this subdivision for the purposes specified in this  
4 subdivision, but may not use or disclose the personal identifier for any other  
5 commercial purpose, as defined in s. 895.50 (2) (am), without first obtaining the  
6 consent of the individual to whom the personal identifier relates under sub. (5).

7 **SECTION 66.** 343.24 (5) of the statutes is created to read:

8 343.24 (5) Any person who receives any personally identifiable information  
9 under this section may not use or disclose that information for any commercial  
10 purpose, as defined in s. 895.50 (2) (am), without first obtaining, not more than one  
11 year before the date of the use or disclosure, the written consent of the individual to  
12 whom the personally identifiable information relates or, if that individual is a minor,  
13 the written consent of the individual's parent or legal guardian. This subsection does  
14 not apply to a person specified in sub. (4) (c) 2., who uses or discloses personally  
15 identifiable information obtained under this section only for purposes specified in  
16 sub. (4) (c) 2.

17 **SECTION 67.** 440.14 (6) of the statutes is created to read:

18 440.14 (6) A person who obtains a list from the department or a credentialing  
19 board may not use or disclose any personal identifier or any other personally  
20 identifiable information, as defined in s. 19.62 (5), disclosed on that list for any  
21 commercial purpose, as defined in s. 895.50 (2) (am), without first obtaining, not  
22 more than one year before the date of the use, the written consent of the individual  
23 who is the subject of the personal identifier or personally identifiable information or,  
24 if that individual is a minor, the written consent of the individual's parent or legal  
25 guardian.

1 SECTION 68. 610.75 of the statutes is created to read:

2 610.75 Use of social security numbers prohibited. (1) In this section,  
3 "health care plan" has the meaning given in s. 628.36 (2) (a) 1.

4 (2) An insurer that provides coverage under a health care plan may not ~~assign~~  
5 ~~to~~ any insured or enrollee under the health care plan an identification number that  
6 is identical with or that incorporates the insured's or enrollee's social security  
7 number. This section does not prohibit such an insurer from requiring an insured  
8 or enrollee to disclose his or her social security number, or from using an insured's  
9 or enrollee's social security number if that use is required by a federal or state agency  
10 in order for the insured or enrollee to participate in a particular program.

use for

11 SECTION 69. 632.725 (2) (d) of the statutes is amended to read:

12 632.725 (2) (d) Establish In conformity with the requirements under ss.  
13 146.833 and 610.75, establish a uniform statewide patient identification system in  
14 which each individual who receives health care services in this state is assigned an  
15 identification number. The standardized billing format established under par. (a)  
16 and the standardized claim format established under par. (b) shall provide for the  
17 designation of an individual's patient identification number.

18 SECTION 70. 895.50 (2) (intro.) of the statutes is amended to read:

19 895.50 (2) (intro.) In this section, ~~"invasion;~~

20 (bm) "Invasion of privacy" means any of the following:

21 SECTION 71. 895.50 (2) (a) of the statutes is renumbered 895.50 (2) (bm) 1.

22 SECTION 72. 895.50 (2) (am) of the statutes is created to read:

23 895.50 (2) (am) "Commercial purpose" means the purpose of accruing any gain,  
24 benefit, or advantage, either directly or indirectly. "Commercial purpose" includes  
25 the purpose of advertising or marketing any property, good, or service, soliciting

1 business, or setting the terms and conditions of any commercial transaction or  
2 relationship.

3 **SECTION 73.** 895.50 (2) (b) of the statutes is renumbered 895.50 (2) (bm) 2.

4 **SECTION 74.** 895.50 (2) (bm) 2m. of the statutes is created to read:

5 895.50 (2) (bm) 2m. The use or disclosure of any personally identifiable  
6 information about any living person for any commercial purpose, without having  
7 first obtained, not more than one year before the date of the use or disclosure, the  
8 written consent of the person who is the subject of the personally identifiable  
9 information or, if that person is a minor, the written consent of the person's parent  
10 or legal guardian.

11 **SECTION 75.** 895.50 (2) (bm) 2r. of the statutes is created to read:

12 895.50 (2) (bm) 2r. Requiring, as a condition for receiving a good or a service,  
13 that a living person or, if the person is a minor, the person's parent or legal guardian  
14 provide consent to the use or disclosure of any personally identifiable information  
15 about that person for any commercial purpose.

16 **SECTION 76.** 895.50 (2) (c) of the statutes is renumbered 895.50 (2) (bm) 3. and  
17 amended to read:

18 895.50 (2) (bm) 3. Publicity given to a matter concerning the private life of  
19 another, of a kind highly offensive to a reasonable person, if the defendant has acted  
20 either unreasonably or recklessly as to whether there was a legitimate public  
21 interest in the matter involved, or with actual knowledge that none existed. It is not  
22 an invasion of privacy under this subdivision to communicate any information  
23 available to the public as a matter of public record. ✓

24 **SECTION 77.** 895.50 (2) (cm) of the statutes is created to read:

1 895.50 (2) (cm) "Personally identifiable information" has the meaning given in  
2 s. 19.62 (5).

3 SECTION 78. 895.50 (2) <sup>(b)(m) 4.</sup> (d) of the statutes is created to read:

4 895.50 (2) <sup>(b)(m) 4.</sup> (d) Publicity given to a matter concerning another person that places  
5 the other person before the public in a false light if the false light in which the other  
6 person was placed would be highly offensive to a reasonable person.

7 SECTION 79. 895.50 (2m) of the statutes is created to read:

8 895.50 (2m) (a) In this subsection:

9 1. "Private person" means a person who is not a public person.

10 2. "Public person" means that the person has general fame or notoriety in the  
11 community and pervasive involvement in the affairs of society; the person has put  
12 himself or herself in the public eye with respect to the issues or events reported; or  
13 the person has deliberately engaged the public's attention to influence the issues or  
14 events reported.

15 3. "Publisher" means any person who gives publicity to a matter, including a  
16 person who communicates the matter in a newspaper or magazine, on radio or  
17 television, or by electronic means.

18 (b) If the person who is the subject of the publicity under sub. (2) (d) <sup>(b)(m) 4.</sup> is a public  
19 person, the publisher is liable under this section <sup>only</sup> if the publisher had knowledge of  
20 or acted with reckless disregard as to the falsity of the publicized matter. <sup>(b)(m) 4.</sup>

21 (c) If the person who is the subject of the publicity under sub. (2) (d) <sup>(b)(m) 4.</sup> is a private  
22 person, the publisher is liable under this section <sup>only</sup> if the publisher did not use  
23 reasonable care <sup>to determine if the matter was false</sup>



(d) Truth of the publicized matter is an absolute defense to an action for the violation of a person's privacy under sub. (2) ~~(d) if the publisher acted with good motives and for justifiable ends.~~ <sup>(bm)4.</sup>

**SECTION 80.** 895.50 (7) of the statutes is renumbered 895.50 (7) (a).

**SECTION 81.** 895.50 (7) (b) of the statutes is created to read:

895.50 (7) (b) No action for invasion of privacy may be maintained under this section for an act described in sub. (2) (bm) <sup>2m.</sup> if the claim is based on a disclosure that is made under ch. 409.

**SECTION 82.** 938.299 (1) (av) of the statutes is amended to read:

938.299 (1) (av) ~~If a public hearing is held under par. (a) or (ar), any Subject to s. 19.35 (1) (jm), any person may disclose to anyone any information obtained as a result of that a public hearing held under par. (a) or (ar).~~

**SECTION 83.** 938.396 (2m) (a) of the statutes is amended to read:

938.396 (2m) (a) Notwithstanding sub. (2), upon request, a court shall open for inspection by the requester the records of the court, other than reports under s. 938.295 or 938.33 or other records that deal with sensitive personal information of the juvenile and the juvenile's family, relating to a juvenile who has been alleged to be delinquent for committing a violation specified in s. 938.34 (4h) (a). ~~The Subject to s. 19.35 (1) (jm), the~~ requester may further disclose the information to anyone.

**SECTION 84.** 938.396 (2m) (b) of the statutes is amended to read:

938.396 (2m) (b) Notwithstanding sub. (2), upon request, a court shall open for inspection by the requester the records of the court, other than reports under s. 938.295 or 938.33 or other records that deal with sensitive personal information of the juvenile and the juvenile's family, relating to a juvenile who has been alleged to be delinquent for committing a violation that would be a felony if committed by an

1 adult if the juvenile has been adjudicated delinquent at any time preceding the  
2 present proceeding, and that previous adjudication remains of record and  
3 unreversed. The Subject to s. 19.35 (1) (jm), the requester may further disclose the  
4 information to anyone.

5 **SECTION 85.** 968.27 (12) of the statutes is amended to read:

6 968.27 (12) "Oral communication" means any oral communication uttered by  
7 a person exhibiting an expectation that the communication is not subject to  
8 interception under circumstances justifying the expectation. "Oral communication"  
9 includes any oral communication between an employee of a retail business and a  
10 customer of that retail business. "Oral communication" does not include any  
11 electronic communication.

12 **SECTION 86.** 968.27 (14m) of the statutes is created to read:

13 968.27 (14m) "Retail business" means any business primarily engaged in the  
14 retail sale of goods or services from a store or other premises owned or leased by the  
15 business.

16 **SECTION 87.** 968.31 (2) (c) of the statutes is renumbered 968.31 (2) (c) (intro)  
17 and amended to read:

18 968.31 (2) (c) (intro.) For a person not acting under color of law to intercept a  
19 wire, electronic or oral communication where the person is a party to the  
20 communication or where one of the parties to the communication has given prior  
21 consent to the interception, unless the one of the following applies:

22 1. The communication is intercepted for the purpose of committing any  
23 criminal or tortious act in violation of the constitution or laws of the United States  
24 or of any state or for the purpose of committing any other injurious act.

25 **SECTION 88.** 968.31 (2) (c) 2. of the statutes is created to read:

intro

(intro)

The treatment of sections 19.35 (1)(jm), 23.415 (b), 85.103 (6m), ~~85.103 (6m)~~ 108.14 (7)(a), 341.17 (9)(c) 3. and 4. and (10), 343.235 (3)(b) and (5m), 343.24 (4)(c) 2. and (5), 968.31 (2) (c) 2. The communication is an oral communication between an

1 employee of a retail business and a customer of the retail business that is uttered  
2 while both the employee and the customer are present in or on the store or premises  
3 of the retail business and that is intercepted using an electronic, mechanical, or other  
4 device that is attached to or in the possession of the employee.

DISCLOSURE OF INFORMATION FOR COMMERCIAL PURPOSE.

LPS: Fix Computer

SECTION 89. 971.19 (11) of the statutes is created to read:

8 971.19 (11) In an action under s. 942.01, 942.03, 943.201, 943.205, 943.30,  
9 943.31, 943.41, 943.70, 946.72, 947.012, or 947.0125, the defendant may be tried in  
10 the defendant's county of residence, in the victim's county of residence, or in any  
11 other county in which the trial may be conducted under this section.

SECTION 90. Nonstatutory provisions. ; other (B) <

12 (1) This act ~~does not~~ <sup>does</sup> apply to a contract under which personally identifiable  
13 information, as defined in section 19.62 (5) of the statutes, about any living person  
14 is used or disclosed for any commercial purpose, as defined in section 895.50 (2) (am)  
15 of the statutes, as created by this act, without the prior written consent of the person  
16 who is the subject of that personally identifiable information or, if that person is a  
17 minor, the prior written consent of that person's parent or legal guardian entered into  
18 before the effective date of this subsection.

19 (2) This act ~~does not~~ <sup>does</sup> apply to a contract under which, as a condition for receiving  
20 a good or a service, a person or, if the person is a minor, the person's parent or legal  
21 guardian is required to consent to the use or disclosure of any personally identifiable  
22 information, as defined in section 19.62 (5) of the statutes, about that person for any  
23 commercial purpose, as defined in section 895.50 (2) (am) of the statutes, as created  
24 by this act, entered into before the effective date of this subsection.

DISCLOSURE OF INFORMATION AS A CONDITION FOR RECEIVING GOOD OR SERVICE.

SECTION 9309. Initial applicability; circuit courts.

of the statutes  
440.14 (b), 895.50 (2) (intro), (a), (am), (b), (bm)  
2m. and 2r., (4) and (cm), 938.299 (1)(a), and 938.396 (2m)  
(a) and (b) ~~of section 245.50 (2) and the~~

Col. [unclear]  
[unclear]  
[unclear]

The treatment of section 971.19(c)(1) of the statutes

(bm)4.

(1) RIGHT OF PRIVACY. The treatment of section 895.50 (2) (d) and (2m) of the statutes first applies to publicity given to a matter concerning another person on the effective date of this subsection.

~~SECTION 9309. Initial applicability; circuit courts.~~

The treatment of section 13.0997 of the statutes

~~VENUE OF CRIMINAL TRIAL. This act first applies to criminal actions commenced on the effective date of this subsection.~~

SECTION 9332. Initial applicability; legislature.

(1) PRIVACY IMPACT STATEMENTS. This act first applies with respect to bills introduced in the 2001-03 legislative session and jacketed by the legislative reference bureau after the effective date of this subsection.

SECTION 9344. Initial applicability; revenue.

(1) INFORMATION TECHNOLOGY TRAINING CREDIT. The treatment of sections 71.05 (6) (a) 15., 71.07 (5s), 71.08 (1) (intro.), 71.10 (4) (gv), 71.21 (4), 71.26 (2) (a), 71.28 (5s), 71.30 (3) (eon), 71.34 (1) (g), 71.45 (2) (a) 10., 71.47 (5s), 71.49 (1) (eon), and 77.92 (4) of the statutes first applies to taxable years beginning on January 1 of the year in which this subsection takes effect, except that if this subsection takes effect after July 31 the treatment of sections 71.05 (6) (a) 15., 71.07 (5s), 71.08 (1) (intro.), 71.10 (4) (gv), 71.21 (4), 71.26 (2) (a), 71.28 (5s), 71.30 (3) (eon), 71.34 (1) (g), 71.45 (2) (a) 10., 71.47 (5s), 71.49 (1) (eon), and 77.92 (4) of the statutes first applies to taxable years beginning on January 1 of the year after the year in which this subsection takes effect.

SECTION 9359. Initial applicability; other.

The renumbering and amendment of section 968.31(2)(c) of the statutes and the creation of section 968.31(2)(c)2. of the statutes

(1) RETAIL BUSINESS ORAL COMMUNICATIONS. This act first applies to oral communications intercepted on the effective date of this subsection.

SECTION 9459. Effective dates; other.

SECTION 9400. Effective dates; general. Except as otherwise provided in sections 9400 to 9459 of this act, this act takes effect on the day after publication.

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STUDENT IDENTIFICATION NUMBERS. (CS)

1 (1) The treatment of sections ~~36.11(35)~~ and 36.32 (1) of the statutes takes effect  
2 on January 1, 2003.

SECTION 9459 Effective dates; other.

the renumbering of section 36.11(35) (title) of the statutes, and the renumbering and amendment of section 175.22

3  
4 ~~(1)~~ The treatment of sections 36.38, 38.12 (12), 39.49, 118.39, and 175.22 of the  
5 statutes takes effect on the first day of the 6th month beginning after publication.

6 ~~(1)~~ ~~END~~ (END)

36.11(35) of the statutes

PRIVACY IN ATHLETIC LOCKER ROOMS. (CS)