

2001 DRAFTING REQUEST

Assembly Amendment (AA-SB9)

Received: 06/08/2001

Received By: **dykmapj**

Wanted: **Soon**

Identical to LRB:

For: **David Cullen (608) 267-9836**

By/Representing: **Rich**

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

Drafter: **dykmapj**

May Contact:

Addl. Drafters:

Subject: **Fin. Inst. - UCC**

Extra Copies: **RJM**

Submit via email: **YES**

Requester's email: **Rep.Cullen@legis.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

restore 409.404 (1) (d)

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	dykmapj 06/08/2001	gilfokm 06/08/2001	jfrantze 06/09/2001	_____	lrb_docadmin 06/09/2001	lrb_docadmin 06/09/2001	

FE Sent For:

<END>

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1?	dykmapj	1-6/kmg 8-01	Tob/q	Sell 6/9			

FE Sent For:

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State of Wisconsin
2001 - 2002 LEGISLATURE

LRBa0588/1

PJD... King

ASSEMBLY AMENDMENT,
TO 2001 SENATE BILL 9

Mander
Am

This item is identical
to SB 9

1 At the locations indicated, amend the bill, as shown by senate substitute
2 amendment 1, as follows:

3 1. Page 178, line 1: delete "and (4)" and substitute ", (4), and (6)".

4 2. Page 178, line 20: after that line insert:

5 (5) STATUTORY DAMAGES: AA NONCOMPLIANCE WITH SPECIFIED PROVISIONS. In
6 addition to any damages recoverable under sub. (2), the debtor, consumer obligor, or
7 person named as a debtor in a filed record, as applicable, may recover \$500 in each
8 case from a person that:

- 9 (a) Fails to comply with s. 409.208;
- 10 (b) Fails to comply with s. 409.209;
- 11 (c) Files a record that the person is not entitled to file under s. 409.509 (1);
- 12 (d) Fails to cause the secured party of record to file or send a termination
- 13 statement as required by s. 409.513 (1) or (3);

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1 (e) Fails to comply with s. 409.616 (2) (a) and whose failure is part of a pattern,
2 or consistent with a practice, of noncompliance; or

3 (f) Fails to comply with s. 409.616 (2) (b).

4 (6) STATUTORY DAMAGES: [✓]NONCOMPLIANCE WITH S. 409.210. A debtor or consumer
5 obligor may recover damages under sub. (2) and, in addition, \$500 in each case from
6 a person that, without reasonable cause, fails to comply with a request under s.
7 409.210. A recipient of a request under s. 409.210 [✓]which never claimed an interest
8 in the collateral or obligations that are the subject of a request under that section has
9 a reasonable excuse for failure to comply with the request within the meaning of this
10 subsection.”.

11 (END)

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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0588/1dn

PJD.../i...
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June 8, 2001

Rep. Cullen:

This amendment restores to 2001 Senate Bill 9 the language of revised s. 409.625 (5) and (6), stats., relating to statutory damages for noncompliance with certain sections of the bill that were deleted from the original bill by senate substitute amendment 1. Current s. 409.404 (1) (d), stats., has a similar provision that applies only to the failure to file a termination statement.

Atty. Peter J. Dykman
General Counsel
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FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0588/1dn
PJD:kmg:jf

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