

2003 DRAFTING REQUEST

Bill

Received: 02/12/2003

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Charles Chvala (608) 266-9170**

By/Representing: **Mary Beth**

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

Drafter: **rkite**

May Contact:

Addl. Drafters:

Subject: **Trade Regulation - other**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Chvala@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Cancellation of newspaper and magazine subscriptions

Instructions:

Require that if a person cancels a newspaper or magazine subscription, the newspaper or magazine must refund a prorated amount of the subscription cost

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	rkite 03/07/2003	kgilfoy 03/10/2003	rschluet 03/11/2003	_____	sbasford 03/11/2003	lemery 03/19/2003	
/2	rkite 04/04/2003	kgilfoy 04/04/2003	chaskett 04/04/2003	_____	amentkow 04/04/2003	amentkow 04/04/2003	State

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

At intro.

<END>

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12-4/4 King
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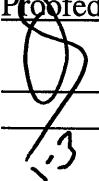
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1?	rkite	1-3/10 Kmg		 3-11-3			

FE Sent For:

<END>

2/19/03

Called Mary Beth in Chvala's office for
more info.

problem is that if person dies, the magazine
or newspaper will not stop the subscription
or refund the balance of the subscription
amount

Mary Beth said that perhaps the draft
could be limited to situations where the
subscriber has died



State of Wisconsin
2003 - 2004 LEGISLATURE

RWR
11
LRB-20337
RNK:1/.....
img

D-Note

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Sen. Cat

1 AN ACT/...; relating to: magazine subscription refunds.

Analysis by the Legislative Reference Bureau

This bill prohibits a magazine owner or publisher from entering into a contract or agreement to sell issues of a magazine by subscription to a person unless the contract or agreement entitles the subscriber to cancel the subscription and receive a prorated refund of the subscription price.

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

2 SECTION 1. 134.47 of the statutes is created to read:
3 134.47 Magazine subscription refunds. No magazine owner, publisher, or
4 agent of a magazine owner or publisher may enter into a contract or agreement to
5 sell issues of a magazine by subscription to a person in this state unless the contract
6 or agreement entitles the subscriber to cancel the subscription before the expiration
7 of the subscription period and to receive a prorated refund of the full amount of the
8 subscription price.

1
2
3
4

SECTION 2. Initial applicability.

(1) This act first applies to contracts or agreements to sell issues of a magazine that are entered into on the effective date of this subsection.

(END)

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

LRB-2033/~~P1~~

LNK: f....

LNK
King

This draft does not specify a penalty. Under s. 939.61, a person who is convicted of an act for which no penalty is expressed is subject to a forfeiture of up to \$200. If you would like a different penalty to apply, please let me know and I will redraft accordingly.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2033/1dn
RNK:kmg:rs

March 11, 2003

This draft does not specify a penalty. Under s. 939.61, a person who is convicted of an act for which no penalty is expressed is subject to a forfeiture of up to \$200. If you would like a different penalty to apply, please let me know and I will redraft accordingly.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.state.wi.us

Kite, Robin

From: Witzel-Behl, Maribeth
Sent: Tuesday, March 18, 2003 4:08 PM
To: Kite, Robin
Subject: LRB-2033/1

Robin -

The draft looks good, and the \$200 forfeiture would be fine. Could we get LRB 2033/1 jacketed?

Thank you!

- Maribeth
Senator Chvala's Office

Kite, Robin

From: Witzel-Behl, Maribeth
Sent: Thursday, April 03, 2003 11:59 AM
To: Kite, Robin
Subject: LRB 2033/1

Robin -

Before I send out a co-sponsorship memo, I wanted to verify whether LRB 2033/1 would apply to both magazine and newspaper subscriptions. I looked in the statutes for a magazine definition, but didn't come up with anything.

Thank you for your help!

- Maribeth
Senator Chvala's Office

Talked to Maribeth. Told her we could try and define "magazine". Or, could put the ~~statute~~ provisions in ch. 100 and require DATCP to define the term. She said to redraft under the 2d option.



State of Wisconsin
2003 - 2004 LEGISLATURE

12

LRB-2033/E
RNK:kmg:rs

D-Note

2003 BILL

1 AN ACT to create ~~134.47~~ of the statutes; relating to: magazine subscription
2 refunds.

and requiring the exercise of rule-making authority
→ GEN. CAT.

Analysis by the Legislative Reference Bureau

This bill prohibits a magazine owner or publisher from entering into a contract or agreement to sell issues of a magazine by subscription to a person unless the contract or agreement entitles the subscriber to cancel the subscription and receive a prorated refund of the subscription price.

FE-S →

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

3 SECTION 1. ~~134.47~~^{100.53} of the statutes is created to read:
4 ~~134.47~~^{100.53} Magazine subscription refunds. ⁽¹⁾ ^(B) No magazine owner or publisher
5 or agent of a magazine owner or publisher may enter into a contract or agreement
6 to sell issues of a magazine by subscription to a person in this state unless the
7 contract or agreement entitles the subscriber to cancel the subscription before the
8 expiration of the subscription period and to receive a prorated refund of the full
9 amount of the subscription price.

^(B) (2) The department shall, by rule, define "magazine" for purposes of this section.

BILL

*auto ref
"A"*

1 **SECTION 2. Initial applicability.**

2 (1) This act first applies to contracts or agreements to sell issues of a magazine
3 that are entered into on the effective date of this subsection.

insert
4 →

(END)

*auto
ref. "B"*

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

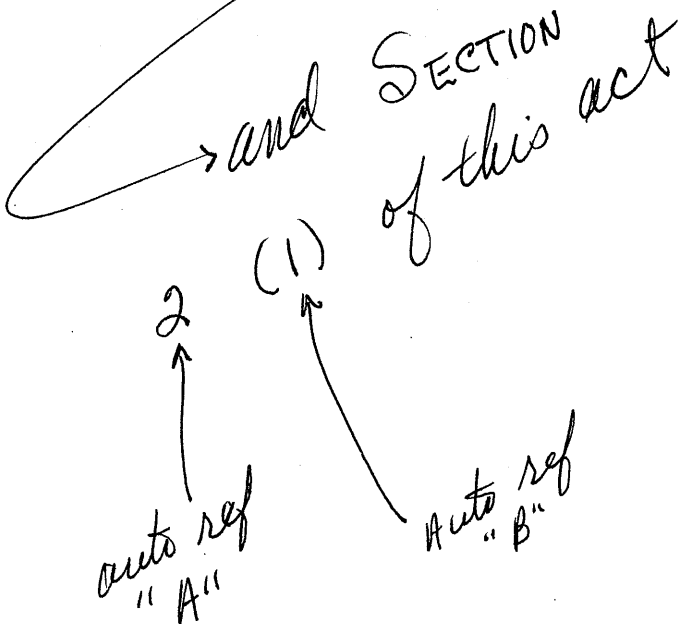
LRB-2033/1008
RNK:1008
2 ins.

Insert

SECTION 1. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of section 100.53 (1) of the statutes takes effect on the first day of the ~~second~~ month beginning after publication.

2nd



auto ref
"A"

Auto ref
"B"

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


LRB-2033/104

RNK:kmg:ts

2dn
:kmg:

I have included a delayed effective date ^{provision} in the draft to give DATCP sufficient time to promulgate rules as required by the draft. Is this O.K.?

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.state.wi.us



Also, please note that the penalties under s. 100.26(1) will apply to a violation of s. 100.53, as created in this draft. If you would like a different penalty to apply, please let me know and I will redraft, accordingly.

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

LRB-2033/2dn
RNK:kmg:cph

April 4, 2003

I have included a delayed effective date provision in the draft to give DATCP sufficient time to promulgate rules as required by the draft. Is this OK?

Also, please note that the penalties under s. 100.26 (1) will apply to a violation of s. 100.53, as created in this draft. If you would like a different penalty to apply, please let me know and I will redraft, accordingly.

Robin N. Kite
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