

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0402/1dn
RAC:kjf:kjf

March 1, 2004

Senator Brown:

Per your instructions, this substitute amendment incorporates the rental–purchase provisions in proposed ch. 430 from 2003 Senate Bill 486 into the Wisconsin Consumer Act (WCA). Because of end–of–session time constraints, this draft was prepared in a highly expedited manner and should be carefully reviewed by those with an interest in this subject. In reviewing the substitute amendment, please note the following:

1. I created s. 421.201 (11), relating to territorial application. Because rental–purchase agreements were excluded from the definition of certain applicable terms in that section, there was no provision in the WCA governing rental–purchase agreements.
2. In s. 421.301, I placed the necessary definitions that apply to rental–purchase agreements and excluded certain terms from definitions that would otherwise apply under the WCA. Please review.
3. Please note that “rental property” is now a defined term under s. 421.301 (37t) and that “personal property” is now defined under the WCA to not include “rental property” under a rental–purchase agreement. In this way, all WCA provisions that apply to “personal property” will not apply to “rental property” as defined in s. 421.301 (37t). In this regard, in s. 421.301 (37u), I changed all of the references to “personal property” to “rental property.”
4. Note my treatment of s. 422.102, relating to the scope of ch. 422.
5. Subchapter VI of ch. 422 contains all of the material from subchs. V, VI, and VII of ch. 430 in 2003 Senate Bill 486.
6. In s. 422.616 (5), please note the new cross–reference to s. 427.104.
7. Note my treatment of s. 423.102, relating to the scope of ch. 423.
8. Subchapter V of ch. 425 contains all of the material from subch. IX of ch. 430 in 2003 Senate Bill 486, except for s. 430.901.
9. Note the deletion of material in s. 425.502 (5) that appeared in s. 430.902 (5) in 2003 Senate Bill 486.

10. Note my treatment of the provisions in ch. 427 to have this chapter apply to rental-purchase agreements.

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