

2003 Senate Bill 416

Date of enactment: **April 13, 2004**
Date of publication*: **April 27, 2004**

2003 WISCONSIN ACT 252

AN ACT *to renumber* 943.21 (1) (d); *to renumber and amend* 943.21 (1) (intro.), (a), (b) and (c); *to amend* 943.21 (title), 943.212 (title), 943.212 (1) (a) and 943.212 (4) (a); and *to create* 943.21 (1c) and 943.21 (2g) of the statutes; **relating to:** failure to pay for tickets at recreational attractions and providing penalties.

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

SECTION 1. 943.21 (title) of the statutes, as affected by 2003 Wisconsin Act (Assembly Bill 232), is amended to read:

943.21 (title) Fraud on hotel or restaurant keeper, recreational attraction, taxicab operator, or gas station.

SECTION 2. 943.21 (1) (intro.), (a), (b) and (c) of the statutes are renumbered 943.21 (1m) (intro.), (a), (b) and (c), and 943.21 (1m) (a), as renumbered, is amended to read:

943.21 (1m) (a) Having obtained any beverage, food, lodging, ticket or other means of admission, or other service or accommodation at any campground, hotel, motel, boarding or lodging house, ~~or~~ restaurant, or recreational attraction, intentionally absconds without paying for it.

SECTION 3. 943.21 (1) (d) of the statutes, as created by 2003 Wisconsin Act (Assembly Bill 232), is renumbered 943.21 (1m) (d).

SECTION 4. 943.21 (1c) of the statutes is created to read:

943.21 (1c) In this section, "recreational attraction" means a public accommodation designed for amusement and includes chair lifts or ski resorts, water parks, theaters, entertainment venues, racetracks, swimming

pools, trails, golf courses, carnivals, and amusement parks.

SECTION 5. 943.21 (2g) of the statutes is created to read:

943.21 (2g) If a person has obtained a ticket, another means of admission, or an accommodation or service provided by the recreational attraction, his or her failure or refusal to pay a recreational attraction the established charge for the ticket, other means of admission, or accommodation or service provided by the recreational attraction constitutes prima facie evidence of an intent to abscond without payment.

SECTION 6. 943.212 (title) of the statutes, as affected by 2003 Wisconsin Act (Assembly Bill 232), is amended to read:

943.212 (title) Fraud on hotel or restaurant keeper, recreational attraction, taxicab operator, or gas station; civil liability.

SECTION 7. 943.212 (1) (a) of the statutes, as affected by 2003 Wisconsin Act (Assembly Bill 232), is amended to read:

943.212 (1) (a) The retail value of the beverage, food, lodging, accommodation, ticket or other means of admission, gasoline or diesel fuel, transportation, or service involved in the violation. A person may recover under this paragraph only if he or she exercises due diligence in

* Section 991.11, WISCONSIN STATUTES 2001-02 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

2003 Wisconsin Act 252

2003 Senate Bill 416

demanding payment for the beverage, food, lodging, accommodation, ticket or other means of admission, gasoline or diesel fuel, transportation, or service.

SECTION 8. 943.212 (4) (a) of the statutes, as affected by 2003 Wisconsin Act (Assembly Bill 232), is amended to read:

943.212 (4) (a) At least 20 days prior to commencing an action, as specified in s. 801.02, under this section, the plaintiff shall notify the defendant, by mail, of his or her intent to bring the action and of the acts constituting the basis for the violation of s. 943.21. The plaintiff shall

send the notice by regular mail supported by an affidavit of service of mailing or by a certificate of mailing obtained from the U.S. post office from which the mailing was made. The plaintiff shall mail the notice to the defendant's last-known address or to the address provided on the check or order. If the defendant pays the amount due for the beverage, food, lodging, accommodation, ticket or other means of admission, transportation, or service prior to the commencement of the action, he or she is not liable under this section.
