

2003 SENATE BILL 416

January 29, 2004 – Introduced by Senators WELCH and KANAVAS, cosponsored by Representatives HINES, MUSSER, KRAWCZYK, LADWIG, TOWNSEND, STONE, ALBERS, BIES and GUNDERSON. Referred to Committee on Judiciary, Corrections and Privacy.

1 **AN ACT** *to renumber* 943.21 (1) (d); *to renumber and amend* 943.21 (1) (intro.),
2 (a), (b) and (c); *to amend* 943.21 (title), 943.212 (title), 943.212 (1) (a) and
3 943.212 (4) (a); and *to create* 943.21 (1c) and 943.21 (2g) of the statutes;
4 **relating to:** failure to pay for tickets at recreational attractions and providing
5 penalties.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from intentionally leaving without paying for taxicab service or without paying for beverage, food, lodging, or other service or accommodation that the person obtained at a hotel, motel, campground, boarding or lodging house, or restaurant. If a person is convicted of violating this prohibition and the value of the goods or services was \$2,500 or less, he or she is guilty of a misdemeanor and may be fined not more than \$10,000 or imprisoned in the county jail for not more than nine months or both. If the value of the goods or services exceeds \$2,500, the person is guilty of a felony and the maximum term of imprisonment (consisting of a term of confinement in state prison and a term of extended supervision) increases to three and one-half years. In addition, current law provides for a special civil action for victims of this crime. Using this special civil action, a victim may recover the value of the service or accommodation involved in the crime, any other property damage resulting from the crime, and limited exemplary damages and attorney fees.

This bill prohibits a person from intentionally leaving without paying for a ticket that he or she obtained at a recreational attraction, which the bill defines as

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including chair lifts or ski resorts, water parks, theaters, entertainment venues, racetracks, swimming pools, trails, golf courses, carnivals, and amusement parks. If a person is convicted of violating this prohibition, the penalties are the same as the penalties described above. The bill also extends the special civil action that covers crimes for leaving without paying for services or accommodations to cover offenses that involve leaving without paying for a ticket.

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

3 **943.21** (title) **Fraud on hotel or restaurant keeper, recreational**
4 **attraction, taxicab operator, or gas station.**

5 **SECTION 2.** 943.21 (1) (intro.), (a), (b) and (c) of the statutes are renumbered
6 943.21 (1m) (intro.), (a), (b) and (c), and 943.21 (1m) (a), as renumbered, is amended
7 to read:

8 943.21 **(1m)** (a) Having obtained any beverage, food, lodging, ticket or other
9 means of admission, or other service or accommodation at any campground, hotel,
10 motel, boarding or lodging house, ~~or~~ restaurant, or recreational attraction,
11 intentionally absconds without paying for it.

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

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

15 943.21 **(1c)** In this section, “recreational attraction” means a public
16 accommodation designed for amusement and includes chair lifts or ski resorts, water
17 parks, theaters, entertainment venues, racetracks, swimming pools, trails, golf
18 courses, carnivals, and amusement parks.

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

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

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

10 **943.212** (title) **Fraud on hotel or restaurant keeper, recreational**
11 **attraction, taxicab operator, or gas station; civil liability.**

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

14 943.212 **(1)** (a) The retail value of the beverage, food, lodging, accommodation,
15 ticket or other means of admission, gasoline or diesel fuel, transportation, or service
16 involved in the violation. A person may recover under this paragraph only if he or
17 she exercises due diligence in demanding payment for the beverage, food, lodging,
18 accommodation, ticket or other means of admission, gasoline or diesel fuel,
19 transportation, or service.

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

22 943.212 **(4)** (a) At least 20 days prior to commencing an action, as specified in
23 s. 801.02, under this section, the plaintiff shall notify the defendant, by mail, of his
24 or her intent to bring the action and of the acts constituting the basis for the violation
25 of s. 943.21. The plaintiff shall send the notice by regular mail supported by an

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

7 (END)