

2003 DRAFTING REQUEST

Assembly Amendment (AA-AB755)

Received: **02/02/2004**

Received By: **jkuesel**

Wanted: **Soon**

Identical to LRB:

For: **Tom Hebl (608) 266-7678**

By/Representing: **Lindsay Hoglund**

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

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **Trade Regulation - electron com**

Extra Copies: **RAC, RPN, RNK - 1
PJH, ARG, MJL - 1**

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

AA to AB-755

Instructions:

Insert language recommended by Consumers Union to ensure retention of E Sign consumer protections.

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> |
|--------------|-----------------------|-----------------------|------------------------|----------------|-----------------------|-----------------------|-----------------|
| /? | jkuesel 02/02/2004 | kgilfoy 02/02/2004 | | _____ | | | |
| /1 | | | jfrantze 02/03/2004 | _____ | mbarman 02/03/2004 | mbarman 02/03/2004 | |
| /2 | jkuesel | wjackson | pgreensl | _____ | mbarman | mbarman | |

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|----------------|-----------------|------------------|----------------|------------------|-----------------|-----------------|
| | 02/03/2004 | 02/03/2004 | 02/03/2004 _____ | | 02/03/2004 | 02/03/2004 | |

FE Sent For:

<END>

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| /? | jkuesel 02/02/2004 | kgilfoy 02/02/2004 | 2/3 | 2/3 | | | |
| /1 1/2 | jkuesel 2/3 | 12 Wlj 2/3 | jfrantzed 02/03/2004 | 2/3 PST/gk | mbarman 02/03/2004 | mbarman 02/03/2004 | |

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|--------------|----------------|---------------------|--------------|----------------|------------------|-----------------|-----------------|
| 1?/1 | jkuesel | 2/2 1-2/2 kmg | 2/3 | Jch 2/3 | | | |

FE Sent For:

<END>

.....

Facsimile Transmittal

To: Jeff Kuesel **Fax:** 608-264-6948

From: Lindsay Hoglund, Rep. Hebl **Date:** 02/02/2004

Re: AB 755 **Pages:** 3

CC:

- Urgent For Review Please Comment Please Reply Please Recycle
-



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Thank you for your patience. I have underlined the information that you will need. Please call with

questions 266-7678.

Thanks,

.....

By email

December 13, 2001

Ms. Julie Brill
Office of the Vermont Attorney General

Re: Agreement between Consumers Union and NCCUSL for Standard Additions to UETA in State Legislatures to Preserve Application of E-Sign and its Exemptions

Dear Ms. Brill:

As you know, Consumers Union, the National Consumer Law Center, legal aid lawyers, and Attorneys General offices around the country have sought nonuniform changes in the Uniform Electronic Transactions Act (UETA) in order to clarify the federal E-Sign Act's consumer protections continue to apply in states which adopt UETA. These groups also have worked to ensure that the federal exemptions are repeated in a state's UETA.

Consumers Union and the National Conference of Commissioners on Uniform State Laws have agreed to amendments which the Conference will offer in each state where UETA is introduced in the future. In each such state, the Conference has agreed to add to UETA section 3(b)(4) the following language:

(A) This [Act] does apply to a transaction governed by the Electronic Signatures in Global and National Commerce Act, 114 Stat. 464, codified at 15 U.S.C. 7001, et seq., but it is not intended to limit, modify or supersede Section 101(c) of that Act, and

(B) To the extent that they are excluded from the scope of the Electronic Signatures in Global and National Commerce Act, 114 Stat. 464, 15 U.S.C. at 7003, this [Act] does not apply to a notice to the extent that it is governed by a law requiring the furnishing of any notice of—

(i) the cancellation or termination of utility services (including water, heat and power);

(ii) default, acceleration, repossession, foreclosure, or eviction, or the right to cure, under a credit agreement secured by or a rental agreement for a

primary residence of an individual;

(iii) the cancellation or termination of health insurance or benefits or life insurance benefits (excluding annuities; or

(iv) recall of a product, or material failure of a product, that risks endangering health or safety; or

(v) a law requiring a document to accompany any transportation or handling of hazardous materials, pesticides, or other toxic or dangerous materials.

Note that the language refers only to an intent to preserve subsection 101(c), and not subsections 101(d) and (e). We could not get the Conference to agree to address all three provisions. Subsection 101(c) is the essential consumer consent provision.

The Chair of the UETA Drafting Committee also has agreed to a short addition to UETA's prefatory note which will state that UETA was drafted prior to E-Sign and was not intended to interfere with E-Sign. The Committee Chair and I are still working on the precise language of the addition to the prefatory note.

As part of this compromise process, Consumers Union has agreed to not seek additional nonuniform changes in states outside of California. Our agreement is conditioned on the Conference fulfilling its promise—to offer the two provisions dealing with the noninterference with section 101(c) of E-Sign and the exemptions in every state legislature in which it becomes aware that UETA is pending.

Our agreement does not bind other organizations. However, Consumers Union will not encourage others to seek additional nonuniform amendments.

Please inform those NAAG members who are anticipating future introductions of UETA that the Uniform Law Commissioners who act as liaison to their state legislatures should offer the two agreed-upon amendments. If these amendments do not appear in the version of a state UETA bill as first introduced, and are not offered promptly by the Conference, please call me at (415) 431-6747. I will remind the Conference of its agreement and ask it to see that the amendments are added. A copy of the Final Report of the Standby Committee for UETA is attached. You may wish to provide the report to those NAAG members who are anticipating introduction of UETA in their state legislatures.

The hard work and good results of many Attorneys General offices in winning nonuniform UETA amendments set the stage for these new amendments. Thanks to you and all the NAAG Task Force members for this work.

Very truly yours,

Gail Hillebrand
Senior Attorney
Consumers Union
1535 Mission St.
San Francisco, CA 94103
415-431-6747 (phone)
415-431-0906 (fax)
hillge@consumer.org

2003

Date (time) needed

Tue 2/3
8:35AM

LRBa 2079, 1

JRK: King

AMENDMENT

See form AMENDMENTS — COMPONENTS & ITEMS.

S (A) AMENDMENT

TO S A AMENDMENT (LRBa 1),

TO S A SUBSTITUTE AMENDMENT (LRBs 1),

TO 2003 ~~SB SJR SR~~ (AB) ~~AJR AR~~ 755 (LRB 1)

At the locations indicated, amend the bill as follows:

(fill ONLY if "engrossed ..." or "as shown by")

- ✓ #. Page 17, line 21: delete "or".
- ~~#. Page 17, line 21: delete "or".~~
- ✓ ~~#. Page 17, line 21: delete "or".~~
- ✓ #. Page 17, line 22: delete "401.206." and substitute "401.206; or".
- ✓ #. Page 17, line 23: ^{before} that line insert:

#. Page ..., line ...:

#. Page ..., line ...:

We recommend that the following language be included in bracketed UETA Section 3(b)(4) after dropping the word ~~and~~ at the end of subsection (b)(3).

(A) This [Act] does apply to a transaction governed by the Electronic Signatures in Global and National Commerce Act, 114 Stat. 464, codified at 15 U.S.C. 7001, et seq., but is not intended to limit, modify or supersede Section 101(c) of that Act, and

(B) To the extent that they are excluded from the scope of the Electronic Signatures in Global and National Commerce Act, 114 Stat. 464, 15 U.S.C. 7003, this [Act] does not apply to a notice to the extent that it is governed by a law requiring the furnishing of any notice of:

(a) the cancellation or termination of utility services, including water, heat, and power;

(b) default, acceleration, repossession, foreclosure, or eviction, or the right to cure, under a credit agreement secured by or a rental agreement for a primary residence of an individual;

(c) the cancellation or termination of health insurance or benefits or life insurance benefits, excluding annuities;

(d) recall of a product, or material failure of a product, that risks endangering health or safety; or

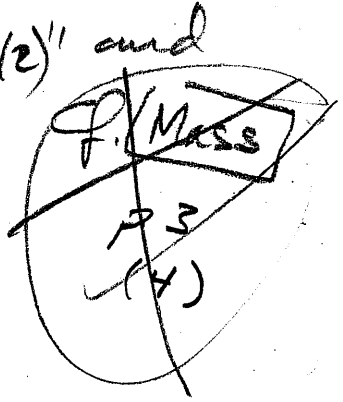
(e) a law requiring a document to accompany any transportation or handling of hazardous materials, pesticides, or other toxic or dangerous materials.

(2m)
text: treat

The Federal
fit is 15 USC 7001(c)

and
this
subchapter
subchapter

Page 17, line 24: delete "sub. (2)" and substitute "subs. (2) and (2m)".
Page 17, line 25: delete "sub. (2)" and substitute "subs. (2) and (2m)".





State of Wisconsin
2003 - 2004 LEGISLATURE

wanted re/0AM

LRBa2079/1/2
JTK:kmg:jf
EWLj

ASSEMBLY AMENDMENT,
TO 2003 ASSEMBLY BILL 755

1 At the locations indicated, amend the bill as follows:

2 1. Page 17, line 21: delete "or".

3 ~~2. Page 17, line 22: delete "401.206." and substitute "401.206, or".~~

4 3. [ⓑ] Page 17, line 23: before that line insert:
5 *1/ (2g) This subchapter applies to a transaction governed by the*
6 ~~(a) The federal Electronic Signatures in Global and National Commerce Act,~~

7 15 USC 7001, et seq., ^{but} and this subchapter is not intended to limit, modify, or
8 supersede 15 USC 7001 (c).

9 ^{ⓑ (2r)} ~~(2m)~~ To the extent that it is excluded from the scope of 15 USC 7003, this
10 subchapter does not apply to a notice to the extent that it is governed by a law
11 requiring the furnishing of any notice of:

12 (a) The cancellation or termination of utility services, including water, heat,
and power service.

1 (b) Default, acceleration, repossession, foreclosure, or eviction, or the right to
2 cure, under a credit agreement secured by or a rental agreement for a primary
3 residence of an individual;

4 (c) The cancellation or termination of health insurance or benefits or life
5 insurance benefits, excluding annuities;

6 (d) Recall of a product, or material failure of a product, that risks endangering
7 health or safety; or

8 (e) A law requiring a document to accompany any transportation or handling
9 of hazardous materials, pesticides, or other toxic or dangerous materials.”

10 4. Page 17, line 24: delete “sub. (2)” and substitute “subs. (2) and ^(2r)~~(2m)~~”.

11 5. Page 17, line 25: delete “sub. (2)” and substitute “subs. (2) and ^(2r)~~(2m)~~”.

12

(END)