

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2226/1dn
MDK:kjf:rs

March 10, 2005

Rep. Berceau:

This bill is a redraft of 2003 AB 982. Please note the following:

1. There was a drafting error in 2003 AB 982. Although the analysis described changes to the “penalties” under the Wisconsin Consumer Act, the changes were omitted from the bill itself. This bill includes those changes. Please confirm that you want the changes in the bill.
2. On a point related to item 1 above, I revised the analysis to refer to “remedies” instead of “penalties.” The term “penalty” usually refers to a criminal fine or a civil forfeiture that is paid to the state, rather than to an individual plaintiff.
3. In the proposed amendment of s. 426.110 (14), I changed the class action award limit to \$100,000 or 1 percent of a merchant’s net worth, *whichever is greater*. I think this is consistent with your intent, even though the language you provided referred to whichever amount is *lesser*. If I’ve misunderstood your intent, please let me know.

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