

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

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MDK:jld:pg

January 9, 2006

Rep. Fitzgerald:

Please note the following about this version:

1. In order to make the change to proposed s. 138.25 (8) (a) 1. a. to create an exception for a person with a legitimate business need for a business transaction, I had to add language restricting the person's use of the consumer report to conducting the business transaction.
2. Also regarding proposed s. 138.25 (8) (a) 1. a., note that the exclusion for preventing or investigating fraud or identity theft is applicable only to a person described in s. 138.25 (8) (a) 1. a. Therefore, the exclusion applies only to a person who has a preexisting relationship with the consumer or to a person with a legitimate business need in connection with a business transaction initiated by the consumer. Is that okay?
3. I did not add "person" to the beginning of proposed s. 138.25 (8) (b) because I don't think it is necessary. If a consumer authorizes a person to receive a report under the bill, then that person is not excluded from the bill's coverage. Instead, that person has obtained a report in accordance with the bill.
4. Regarding the "underwriting" issue, I referred to the FTC's interpretation of that term.

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