

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2682/2dn
MDK:lmk:rs

May 18, 2005

Rep. Hundertmark:

Please note the following about this redraft:

1. The revisions to the analysis that you provided suggest that the customer should be allowed to require a replevin action *or* an action for money damages. However, the additional instructions suggest that the customer should only be allowed to require a replevin action. This version limits the customer to requiring a replevin action. Is that okay?
2. The instructions change “merchant” to “creditor” in proposed s. 425.205 (1g) (a) 1. and 4., without changing other references to “merchant” in proposed s. 425.205 (1g) (a) (intro.), 2., and 3. Therefore, for the sake of consistency, I retained the references to “merchant.”
3. In the amendment of s. 425.206 (1) (intro.), I have stricken the phrase “by means.” This phrase was not stricken in the instructions.
4. The instructions for s. 425.206 (1) (d) suggest that the 15-day deadline should begin to run on the date that the merchant provides notice. Therefore, I also revised proposed s. 425.205 (1g) (a) 3. However, I think these revisions create a problem. As revised, this version of the bill requires the customer to make a written demand no later than 15 days after the merchant provides the notice. How do you determine when the customer “makes” the written demand? For example, if the demand is mailed, is it the date of mailing or the date of receipt of the mailing?

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