

2005 DRAFTING REQUEST

Assembly Amendment (AA-AB574)

Received: **09/28/2005**

Received By: **csundber**

Wanted: **As time permits**

Identical to LRB:

For: **Suzanne Jeskewitz (608) 266-3796**

By/Representing: **Pam Matthews**

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

Drafter: **csundber**

May Contact:

Addl. Drafters:

Subject: **Trade Regulation - other**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Delete separate provisions for lawn care services

Instructions:

See Attached

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>
/?	csundber 09/29/2005	kfollett 09/29/2005		_____			
/1			rschluet 09/29/2005	_____	lnorthro 09/29/2005	lnorthro 09/29/2005	

FE Sent For:

<END>

11-11-2005
(7/1")

See attached

2005 DRAFTING REQUEST

Assembly Amendment (AA-AB574)

Received: **09/28/2005**

Received By: **csundber**

Wanted: **As time permits**

Identical to LRB:

For: **Suzanne Jeskewitz (608) 266-3796**

By/Representing: **Pam Matthews**

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

Drafter: **csundber**

May Contact:

Addl. Drafters:

Subject: **Trade Regulation - other**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Delete separate provisions for lawn care services

Instructions:

See Attached

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>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/?	csundber	11/16/05 9/29					
----	----------	------------------	---	--	--	--	--

FE Sent For:

<END>

Sundberg, Christopher

From: Matthews, Pam
Sent: Wednesday, September 28, 2005 2:41 PM
To: Sundberg, Christopher
Subject: LRB-1402

Hi Chris,

Sue would like an amendment to LRB-1402. She would like to delete Section 2, (100:197) starting on page 5, line 2 and ends on page 6, line 20 that spells out different requirements for Lawncare people.

Please call if you have any questions.

Thanks,

Pam

*Pamela B. Matthews
Research Assistant
Office of Representative Sue Jeskewitz*

*Madison: 608.266.3796
Toll free: 888.529.0024
pam.matthews@legis.state.wi.us*

2005

Date (time) needed 10/3/05

LRBa 1104 / 1

AMENDMENT

CTS: kjf

See form AMENDMENTS — COMPONENTS & ITEMS.

S (A) AMENDMENT

TO S A AMENDMENT (LRBa /),

TO S A SUBSTITUTE AMENDMENT (LRBs /),

TO 2005 SB SJR SR (AB) AJR AR 574 (LRB- /)

At the locations indicated, amend the bill as follows: (fill ONLY if "engrossed" or "as shown by")

#. Page 1, line 3: delete ", lawn care service contracts,".

#. Page 5, line 14: delete the material beginning with that line and ending with line 14 on page 7 and substitute:

INSERT A

#. Page 7, line 22: delete "100.95, and 100.97" and substitute "and 100.95".

#. Page 8, line 1: delete "100.198(2)," and substitute "100.95 (5m)(b),".

#. Page 8, line 9: delete lines 9 and 10.

(END)

INSERT A:

1 (d) "Provider" means a person who sells or leases, or offers to sell or lease, lawn
2 care service to consumers.

3 (e) "Written disclosure" means a clear written statement that may be retained
4 by the consumer and that is designed to be readily noticed and understood by the
5 consumer.

6 (2) CONTINUING CONTRACT; REQUIRED TERMS; ANNUAL DISCLOSURE. (a) No contract
7 for lawn care service may be in effect for more than one year unless, in the 2nd and
8 any subsequent year, the provider makes a written disclosure or an oral disclosure
9 at least 30 days before providing lawn care service under the contract in that year.

10 (b) A written disclosure or an oral disclosure under this subsection shall include
11 all of the following information:

12 1. The lawn care service included in the contract and the price and frequency
13 of the lawn care service.

14 2. The right of the consumer to cancel the contract as provided in par. (c)

15 (c) A contract for lawn care service that may be in effect for more than one year
16 shall permit the consumer to cancel the contract, at no cost to the consumer, if the
17 consumer cancels within 30 days after receiving a written disclosure or an oral
18 disclosure from the provider.

19 (d) The provider shall keep a copy of all written disclosures and a record of all
20 oral disclosures that are made in accordance with this subsection.

21 SECTION 3. 100.198 of the statutes is created to read:

22 100.198 Unfair billing; lawn care service; penalties and remedies. (1)

23 INVESTIGATION The department may exercise its authority under ss. 93.14 and 93.15
24 to investigate violations of s. 100.195 or 100.197.

(3) - "5m) PENALTIES AND REMEDIES. (a) this section

1

~~(2) CIVIL ACTIONS BY PRIVATE PERSONS~~ (b)

2

Any person suffering pecuniary loss because of a violation of ~~§. 100.195 or 100.197~~ may commence an action to recover the pecuniary loss. If the person prevails, the person shall recover twice the amount of the pecuniary loss, or \$200 for each violation, whichever is greater, together with costs, including reasonable attorney fees. *this section*

6

~~(3) INJUNCTION AND RESTITUTION~~ (c)

7

The department may commence an action in the name of the state to restrain by temporary or permanent injunction a violation of ~~§. 100.195 or 100.197~~. Before entry of final judgment, the court may make any necessary orders to restore to a person any pecuniary loss suffered by the person because of the violation. *this section*

8

11

~~(4) CIVIL FORFEITURE~~ (d)

The department or a district attorney may commence an action in the name of the state to recover a forfeiture to the state of not less than \$100 nor more than \$10,000 for each violation of ~~§. 100.195 or 100.197~~.

13

14

~~(5) CRIMINAL PENALTIES~~ (e)

A person who violates ~~§. 100.195 or 100.197~~ is subject to a fine of not less than \$25 nor more than \$5,000 or imprisonment not to exceed one year or both for each violation. *this section*

END
INS
A

17

SECTION 4. 165.25 (4) (ar) of the statutes is amended to read:

18

165.25 (4) (ar) The department of justice shall furnish all legal services required by the department of agriculture, trade and consumer protection relating to the enforcement of ss. 100.171, 100.173, 100.174, 100.175, 100.177, 100.18, 100.182, 100.20, 100.205, 100.207, 100.209, 100.21, 100.28, 100.37, 100.42, 100.50 and, 100.51, 100.95, and 100.97 and chs. 126, 136, 344, 704, 707, and 779, together with any other services as are necessarily connected to the legal services.

24

SECTION 5. 814.04 (intro.) of the statutes is amended to read:

Barman, Mike

From: Nowak, Ellen
Sent: Friday, November 11, 2005 2:02 PM
To: Barman, Mike
Cc: Rep.Jeskewitz; Matthews, Pam
Subject: Supplemental FE

Mike:

Pursuant to Joint Rule 41(3)(b), the speaker is requesting a supplemental fiscal estimate on AB 574 as amended. Please contact me or Rep. Jeskewitz if you have any questions.

Thank you,
Ellen Nowak