SENATE BILL 69 (LRB -2008)

An Act to create 100.55 of the statutes; relating to: information obtained by a tax preparer in the course of preparing a client's tax return. (FE)

2007

02-26.	S.	Introduced by Senators **Sullivan**, **Erpenbach**, **Lazich** and **Roessler**; cosponsored by Representatives **Friske**, **Berceau**, **Kerkman**, **A. Williams**, **Bies**, **Young**, **Ballweg**, **Kleefisch**, **Vruwink**, **M. Williams**, **Musser**, **A. Ott** and **Van Roy**.
02-26.	S.	Read first time and referred to committee on Small Business, Emergency Preparedness, Workforce Development, Technical Colleges and Consumer Protection 113
03-22.	S.	Fiscal estimate received.
04-25.	S.	Public hearing held.
05-01.	S.	Senate substitute amendment 1 offered by Senator Sullivan **(LRB s0075)** 198
05-02.	S.	Executive action taken.
05-03.	S.	Report adoption of Senate Substitute Amendment 1 recommended by committee on Small Business, Emergency Preparedness, Workforce Development, Technical Colleges and Consumer Protection, Ayes 5, Noes 0 203
05-03.	S.	Report passage as amended recommended by committee on Small Business, Emergency Preparedness, Workforce Development, Technical Colleges and Consumer Protection, Ayes 5, Noes 0 204
05-03.	S.	Available for scheduling.
05-15.	S.	Placed on calendar 5-16-2007 by committee on Senate Organization.
05-16.	S.	Read a second time 225
05-16.	S.	Senate amendment 1 to Senate substitute amendment 1 offered by Senator Roessler **(LRB a0507)** 225
05-16.	S.	Senate amendment 1 to Senate substitute amendment 1 withdrawn and returned to author 225
05-16.	S.	Senate substitute amendment 1 **adopted** 225
05-16.	S.	Referred to joint committee on Finance 225
05-16.	S.	Withdrawn from joint committee on Finance and taken up 225
05-16.	S.	Ordered to a third reading 225
05-16.	S.	Rules suspended 225
05-16.	S.	Read a third time and **passed**, Ayes 33, Noes 0 225
05-16.	S.	Senator Taylor added as a coauthor 224
05-16.	S.	Senator Hansen added as a coauthor 224
05-16.	S.	Ordered immediately messaged 225
05-31.	A.	Received from Senate 206
05-31.	A.	Read first time and referred to committee on Consumer Protection and Personal Privacy 206

2008

01-10.	A.	Assembly substitute amendment 1 offered by Representative Friske **(LRB s0177)** 426
01-10.	A.	Assembly amendment 1 to Assembly substitute amendment 1 offered by Representative Davis **(LRB a1028)** 426
01-10.	A.	Public hearing held.
02-04.	A.	Assembly substitute amendment 2 offered by Representative Friske **(LRB s0237)** 481
02-06.	A.	Assembly substitute amendment 3 offered by Representative Friske **(LRB s0255)** 490
02-21.	A.	Executive action taken.
02-26.	A.	Report Assembly Substitute Amendment 3 adoption recommended by committee on Consumer Protection and Personal Privacy, Ayes 8, Noes 0 540
02-26.	A.	Report concurrence as amended recommended by committee on Consumer Protection and Personal Privacy, Ayes 8, Noes 0 540
02-26.	A.	Referred to committee on Rules 540
02-28.	A.	Placed on calendar 3-5-2008 by committee on Rules.
02-28.	A.	Made a special order of business at 11:45 A.M. on 3-5-2008 591
03-05.	A.	Read a second time 624
03-05.	A.	Assembly substitute amendment 3 **adopted** 624
03-05.	A.	Ordered to a third reading 624
03-05.	A.	Rules suspended 624
03-05.	A.	Read a third time and **concurred in** as amended 624
03-05.	A.	Ordered immediately messaged 624
03-06.	S.	Received from Assembly amended and concurred in as amended, Assembly substitute amendment 3 adopted.
03-06.	S.	Available for scheduling.
03-11.	S.	Placed on calendar 3-12-2008 by committee on Senate Organization.
03-12.	S.	Assembly substitute amendment 3 **concurred in**.
03-12.	S.	Action ordered immediately messaged.

5B

2007
ENROLLED BILL

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ADOPTED DOCUMENTS:

☐ **Orig** ☐ **Engr** A **SubAmdt** 3 **07** s0255/2

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic Rel

3-13-08
Date

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ASSEMBLY SUBSTITUTE AMENDMENT 3,

TO 2007 SENATE BILL 69

February 6, 2008 – Offered by Representative FRISKE.

1 AN ACT *to create* 100.55 of the statutes; **relating to:** information obtained by
2 a tax preparer in the course of preparing a client's tax return and providing a
3 penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 100.55 of the statutes is created to read:

5 **100.55 Tax preparers; privacy of client information. (1)** In this section:
6 (a) "Client" means a person whose tax return is prepared by a tax preparer.
7 (b) "Tax preparer" means a person who, in exchange for compensation or
8 expectation of compensation, prepares an income tax return of another person, but
9 does not include any of the following:
10 1. An individual who or firm that is licensed under s. 442.08.
11 2. An individual who is licensed to practice law in this state.

1 3. An individual who is employed by a corporate trustee, bank, or trust
2 company and who is authorized to provide fiduciary services under state or federal
3 law.

4 **(2)** A tax preparer or entity that employs tax preparers may not disclose to
5 another person information obtained in the course of preparing a client's tax return,
6 unless all of the following apply:

7 (a) The tax preparer or entity provides to the client a separate document that
8 identifies all of the following:

9 1. The persons to whom the tax preparer or entity intends to disclose the
10 information.

11 2. The specific information that the tax preparer or entity intends to disclose.

12 3. The purpose of the disclosure.

13 (b) The document provided under par. (a) informs the client that the client may
14 at any time revoke consent to the disclosure of information obtained in the course of
15 preparing the client's tax return for a tax year by giving notice to the tax preparer
16 or entity that prepared the client's tax return for the tax year.

17 (c) The client signs the document provided by the tax preparer or entity under
18 par. (a).

19 (d) Within 30 days after the date on which the tax preparer or entity completes
20 work on the client's tax return or the date on which the client signs the document
21 provided by the tax preparer or entity under par. (a), whichever occurs first, the tax
22 preparer or entity provides to the client a copy of the document signed by the client.

23 **(3)** Subsection (2) does not apply to the disclosure of information to any of the
24 following:

1 (a) A federal, state, or local governmental entity that is authorized to collect a
2 tax.
3 (b) A federal, state, or local law enforcement agency.
4 (c) A court.
5 **(4)** A document provided by a tax preparer or entity under sub. (2) (a) shall
6 remain valid for one year from the date on which it is signed by a client or until the
7 client revokes consent to the disclosure of information obtained in the course of
8 preparing the client's tax return, whichever occurs first.
9 **(5)** A tax preparer or entity shall retain a copy of the document provided to a
10 client under sub. (2) (a) for as long as the tax preparer or entity retains the client's
11 tax records for the tax year for which the client has consented to disclosure under sub.
12 (2).
13 **(6)** (a) Any person suffering pecuniary loss because of a violation of this section
14 may commence an action to recover the pecuniary loss. If the person prevails, the
15 person shall recover twice the amount of the pecuniary loss, or $200 for each
16 violation, whichever is greater, together with costs, including reasonable attorney
17 fees, notwithstanding s. 814.04 (1).
18 (b) The department may commence an action in the name of the state to
19 restrain by temporary or permanent injunction a violation of this section. Before
20 entry of final judgment, the court may make any necessary orders to restore to a
21 person any pecuniary loss suffered by the person because of the violation.
22 (c) The department or a district attorney may commence an action in the name
23 of the state to recover a forfeiture to the state of not less than $100 nor more than
24 $10,000 for each violation of this section.
25 **(END)**