

2009 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB131)

Received: **04/15/2009**

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Gary Hebl (608) 266-7678**

By/Representing: **Kate**

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

Drafter: **mkunkel**

May Contact:

Addl. Drafters:

Subject: **Fin. Inst. - WCA**

Extra Copies: **ARG**

Submit via email: **YES**

Requester's email: **Rep.Hebl@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Pleading requirements for consumer credit transaction actions under the Wisconsin Consumer Act

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>
/?	mkunkel 04/15/2009	nmatzke 04/15/2009		_____			
/1			mduchek 04/15/2009	_____	cduerst 04/15/2009	cduerst 04/15/2009	

FE Sent For:

<END>

2009 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB131)

Received: 04/15/2009

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Gary Hebl (608) 266-7678**

By/Representing: **Kate**

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

Drafter: **mkunkel**

May Contact:

Addl. Drafters:

Subject: **Fin. Inst. - WCA**

Extra Copies: **ARG**

Submit via email: **YES**

Requester's email: **Rep.Hebl@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Pleading requirements for consumer credit transaction actions under the Wisconsin Consumer Act

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

/?	mkunkel	/1 nwn 4/15	MD 4/15				
----	---------	----------------	------------	--	--	--	--

FE Sent For:

<END>



RM NOT RUN
LRB-1964/1
MDK:nwn&jld:rs

TODAY

ASA to

S0043/1

2009 ASSEMBLY BILL 131

arising under such a transaction

March 9, 2009 - Introduced by Representatives ~~HEBL, ROYS, COLON, A. OTT, POPE-ROBERTS, BLACK, GUNDERSON, BERCEAL, TOWNSEND, MOLEPSKE JR., SPANBAUER, FIELDS, HINTZ and SEIDEL~~, cosponsored by Senators TAYLOR, LEHMAN, LASSA and MILLER. Referred to Committee on Judiciary and Ethics.

for consumer credit actions

Regen.

1 AN ACT *to amend* 425.109 (1) (intro.) of the statutes; relating to: pleading requirements ~~of assignees of creditors~~ under the Wisconsin Consumer Act.

Analysis by the Legislative Reference Bureau

Under current law, a consumer credit transaction in which the amount financed is \$25,000 or less, and which is entered into for personal, family, or household purposes, is generally subject to the Wisconsin Consumer Act (WCA). The WCA includes requirements for a creditor to satisfy to enforce rights arising from a consumer credit transaction that is subject to the WCA, including pleading requirements for a complaint filed by a creditor to enforce such rights. In *Rsidue, L.L.C. v. Michaud*, 2006 WI App 164, 295 Wis. 2d 585, 721 N.W. 2d 718, the Wisconsin Court of Appeals held that because the WCA does not refer to an assignee of a creditor, the pleading requirements do not apply to an assignee. This bill amends the WCA to specify that the pleading requirements do apply to an assignee of a creditor.

9

Substitute amendment

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

3 SECTION 1. 425.109 (1) (intro.) of the statutes is amended to read:

as well as any other person seeking to enforce a cause of action

ASSEMBLY BILL 131

SECTION 1

9/17
Handwritten circled numbers and a large scribble.

① 425.109 (1) (intro.) A complaint by a creditor ~~or its assignee~~ to enforce any
2 cause of action arising from a consumer credit transaction shall include all of the
3 following:

4 (END)

For any other
person