



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2009 Assembly Bill 131

**Assembly Substitute
Amendment 1, as Amended by
Assembly Amendment 1**

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The Wisconsin Consumer Act requires a complaint by a creditor to enforce any cause of action arising from a consumer credit transaction to include specified information beyond that otherwise required in civil pleadings, including the figures necessary for the computation of the amount it is alleged the consumer owes and an accurate copy of the documents evidencing the transaction. Section 425.109 (1), Stats. A court of appeals decision held that the pleading requirements do not apply to a purchaser of the debt because the purchaser does not fall within the definition of “creditor” under the Consumer Act. *Rsidue, LLC v. Michaud*, 2006 WI App. 164, 295 Wis. 2d 585, 721 N.W.2d 718.

In order to include purchasers of debt under the pleading requirements of s. 425.109 (1), Assembly Bill 131 adds a creditor’s “assignee” to the pleading requirements.

Concern was expressed at the public hearing on Assembly Bill 131 that reference to “assignee” might not include all persons who may eventually acquire a debt that originated under the Wisconsin Consumer Act or who may bring an action on the debt. The bill, as amended, defines “creditor” for purposes of the pleading statute as also including “an assignee of a creditor and any other person, other than a customer, seeking to enforce a cause of action arising from a consumer credit transaction.”

Legislative History

Assembly Substitute Amendment 1 was offered by the Assembly Committee on Judiciary and Ethics. Assembly Amendment 1 to the substitute amendment was offered by Representative Hebl. Both amendments were adopted, and the proposal was passed, by the Assembly on a voice vote.

On October 14, 2009, the Senate Committee on Small Business, Emergency Preparedness, Technical Colleges and Consumer Protection concurred in Assembly Bill 131, on a vote of Ayes, 5; Noes, 0.

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