



## 2011 SENATE BILL 314

1     **AN ACT** *to amend* 895.446 (5); and *to create* 341.17 (9) (c) 5. and 895.449 of the  
2             statutes; **relating to:** collection of money owed for failure to pay for gasoline  
3             or diesel fuel and obtaining information with personal identifiers from the  
4             Department of Transportation.

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*Analysis by the Legislative Reference Bureau*

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

5             **SECTION 1.** 341.17 (9) (c) 5. of the statutes is created to read:  
6             341.17 **(9)** (c) 5. An association, as defined in s. 895.449 (1), obtaining  
7             registration information for use in providing information under s. 895.449, if the  
8             association uses the personal identifiers designated for nondisclosure under s.  
9             85.103 (2) or (3) for this purpose. Notwithstanding par. (e), no person receiving a  
10            personal identifier under this subdivision may disclose the personal identifier to  
11            another person for marketing purposes.

**SENATE BILL 314****SECTION 2**

1           **SECTION 2.** 895.446 (5) of the statutes is amended to read:

2           895.446 **(5)** No person may bring a cause of action under both this section and  
3 s. 95.195, 895.449, 943.212, 943.245 or 943.51 regarding the same incident or  
4 occurrence. If the plaintiff has a cause of action under both this section and s.  
5 895.449, 943.212, 943.245 or 943.51 regarding the same incident or occurrence, the  
6 plaintiff may choose which action to bring. If the plaintiff has a cause of action under  
7 both this section and s. 95.195, the plaintiff must bring the action under s. 95.195.

8           **SECTION 3.** 895.449 of the statutes is created to read:

9           **895.449 Action for loss caused by failure to pay for gasoline or diesel**  
10 **fuel. (1)** In this section:

11           (a) “Association” means a membership organization whose membership is  
12 composed of retail businesses that sell gasoline or diesel fuel.

13           (b) “Fuel retailer” means a person who suffers a loss as the result of a violation  
14 of s. 943.21 (1m) (d).

15           (c) “Vehicle owner” means a person who holds the legal title of the vehicle that  
16 received gasoline or diesel fuel involved in a violation of s. 943.21 (1m) (d).

17           **(2)** Any fuel retailer has a cause of action against a vehicle owner whose vehicle  
18 was involved in a violation of s. 943.21 (1m) (d). The fuel retailer may provide an  
19 association with an affidavit specifying the time and date that the violation occurred,  
20 the registration plate number of the vehicle that received the gasoline or diesel fuel,  
21 and the retail value of gasoline or diesel fuel involved in the violation.

22           **(3)** Upon receipt by an association of an affidavit under sub. (2), that  
23 association may obtain from the department of transportation, based on the  
24 registration plate number of the motor vehicle that received the gasoline or diesel  
25 fuel in violation of s. 943.21 (1m) (d), identifying information regarding the owner of

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1 that motor vehicle and may forward the identifying information to the person who  
2 provided the affidavit under sub. (2).

3 (4) The fuel retailer may send a letter by 1st class mail to the vehicle owner at  
4 the address obtained under sub. (3), requesting payment of the amount owed for the  
5 unpaid gasoline or diesel fuel, plus a service fee that does not exceed \$30. The letter  
6 shall include the time and date of the violation, the registration plate number of the  
7 vehicle that received the gasoline or diesel fuel, and a statement that if the vehicle  
8 owner fails to pay the amount demanded within 30 days of receipt of the letter, the  
9 fuel retailer may commence a court action to collect that amount. If a vehicle owner  
10 fails to make the payment owed within 30 days of his or her receipt of the letter, the  
11 fuel retailer may commence an action in circuit court to collect the amount  
12 demanded.

13 (5) If the fuel retailer prevails in an action brought under this section, the fuel  
14 retailer shall be entitled to the amount of the loss incurred, the \$30 service fee, and  
15 court costs.

16 (END)