

**2013 DRAFTING REQUEST**

**Bill**

Received: 12/10/2013 Received By: rnelson  
Wanted: As time permits Same as LRB: -1184  
For: Luther Olsen (608) 266-0751 By/Representing: Liz Portz  
May Contact: Drafter: rnelson  
Subject: Trade Regulation - other Addl. Drafters:  
Extra Copies: MPG

Submit via email: YES  
Requester's email: Sen.Olsen@legis.wisconsin.gov  
Carbon copy (CC) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Public record solicitations

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**Instructions:**

See attached

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**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>
/1	rnelson 12/10/2013	csicilia 12/10/2013		_____	srose 12/10/2013	srose 12/17/2013	

FE Sent For:

<END>

NOT  
NEEDED

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/1 rnelson

1 g's 12/10  
13

FE Sent For:

<END>

**Nelson, Robert**

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**From:** Portz, Elisabeth  
**Sent:** Monday, December 09, 2013 3:11 PM  
**To:** Nelson, Robert  
**Cc:** Harriman, Amy; Murray, Mike  
**Subject:** Register of Deeds bill

Good afternoon Bob,

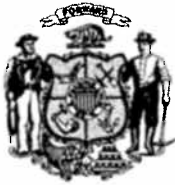
Mike Murray had LRB 1184 drafted for us on the Assembly side. Senator Olsen's office is the co-author and would like it drafted on their side as well. Amy from his office is CC'ed on this email.

Please let me know if you need anything else from us. Thanks for your work on this!

Happy Monday,

Liz

Elisabeth Portz  
Clerk, Assembly Committee on Transportation  
Office of Wisconsin State Representative Keith Ripp  
42<sup>nd</sup> Assembly District  
(608) 266-3404



500w 12/10

State of Wisconsin  
2013 - 2014 LEGISLATURE

→  
Companion  
RPN:rs  
LRB-118475  
RPN:cjs:rs  
3806/1  
Stays

no changes

**2013 BILL**

Con Cat

1 **AN ACT to create** 100.313 of the statutes; **relating to:** solicitation of a fee by a  
2 business or individual for a public record, granting rule-making authority, and  
3 providing a penalty.

***Analysis by the Legislative Reference Bureau***

Currently an individual may request a copy of a public record from a state agency or local unit of government and, upon the payment of a fee for the cost of producing a copy of the public record, receive a copy of that record. In many cases there is no fee or a small fee for receiving a copy of a public record.

The bill requires any document used by a business or individual to make a solicitation of a fee to provide a copy of a public record to state, in at least 24-point type, that the solicitation is not from a governmental agency, that no action is legally required by the person being solicited, the contact information for the governmental office that has custody of the public record and fee for, or cost of, obtaining the public record from that office, and the solicitor's name.

The bill specifies that the solicitation document may not be in a form that makes it appear to be from a governmental agency or to impose a legal duty upon the solicited person. The bill prohibits the solicitor from charging more than four times the amount charged by the governmental office that has custody of the public record.

The bill also requires a solicitor to furnish the register of deeds of each county where a solicitation is to be made for a copy of a deed with a copy of the solicitation document at least 15 days before the solicitation is distributed. In addition, the bill gives DATCP authority or, at the request of DATCP, the department of justice or a

**BILL**

district attorney authority to bring an action against any person who violates the provisions of this bill, allows the court to order refunds of moneys paid to a violator, and creates a forfeiture of up to \$100 for each solicitation document distributed in violation of the bill's provisions.

The bill does not apply to a title insurance company authorized to do business in this state.

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

1           **SECTION 1.** 100.313 of the statutes is created to read:

2           **100.313 Solicitation of a fee for providing a public record.** (1) In this  
3 section:

4           (a) "Local unit of government" means a political subdivision of this state, a  
5 special purpose district in this state, an instrumentality or corporation of such a  
6 political subdivision or special purpose district, or a combination or subunit of any  
7 of the foregoing.

8           (b) "Record" means any material on which written, drawn, printed, spoken,  
9 visual, or electromagnetic information is recorded or preserved, regardless of  
10 physical form or characteristics, which has been created or is being kept by a local  
11 unit of government or a state agency.

12           (c) "Solicit" means advertise or market to a person with whom the solicitor has  
13 no preexisting business relationship.

14           (d) "State agency" means any office, department, or independent agency in the  
15 executive branch of Wisconsin state government, the legislature, and the courts.

16           **(2)** A business or individual soliciting a fee for providing a copy of a record shall  
17 state on the top of the document used for the solicitation, in at least 24-point type,  
18 all of the following:

19           (a) That the solicitation is not from a state agency or local unit of government.

**BILL**

1 (b) That no action is legally required by the person being solicited.

2 (c) The fee for, or the cost of, obtaining a copy of the record from the state agency  
3 or local unit of government that has custody of the record.

4 (d) The information necessary to contact the state agency or local unit of  
5 government that has custody of the record.

6 (e) The name and physical address of the business or individual soliciting the  
7 fee.

8 (4) The document used for a solicitation under this section may not be in a form  
9 or use deadline dates or other language that makes the document appear to be a  
10 document issued by a state agency or local unit of government or that appears to  
11 impose a legal duty on the person being solicited. The department may promulgate  
12 rules specifying the contents and form of the solicitation document.

13 (5) A business or individual soliciting a fee for providing a copy of a record may  
14 not charge a fee of more than 4 times the amount charged by the state agency or local  
15 unit of government that has custody of the record for a copy of the same record.

16 (6) A business or individual soliciting a fee from property owners for providing  
17 a copy of a deed shall furnish the office of the register of deeds of each county where  
18 the solicitations are to be distributed with a copy of the document that will be used  
19 for those solicitations not less than 15 days before distributing the solicitations.

20 (7) The department may investigate violations of this section. The department  
21 may bring an action or request that the department of justice or a district attorney  
22 bring an action against any person who violates this section. The court may order  
23 the person who violates this section to refund all of the moneys paid to the violator  
24 and to forfeit, for a first violation, not more than \$100 for each solicitation document

**BILL**

**SECTION 1**

1 distributed in violation of this section, and not more than \$200 for each solicitation  
2 document distributed in violation of this section subsequent to the first violation.

3 (8) This section does not apply to a title insurance company authorized to do  
4 business in this state or its authorized agent.

5 (END)



**Parisi, Lori**

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**From:** Harriman, Amy  
**Sent:** Tuesday, December 17, 2013 10:46 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -3806/1 Topic: Public record solicitations

Please Jacket LRB -3806/1 for the SENATE.