

**2013 DRAFTING REQUEST**

**Senate Substitute Amendment (SSA-SB179)**

Received:	<b>8/29/2013</b>	Received By:	<b>chanaman</b>
Wanted:	<b>As time permits</b>	Same as LRB:	
For:	<b>Frank Lasee (608) 266-3512</b>	By/Representing:	<b>Rob Kovach</b>
May Contact:		Drafter:	<b>chanaman</b>
Subject:	<b>Real Estate - landlord/tenant</b>	Addl. Drafters:	<b>agary</b>

Extra Copies:

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

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Miscellaneous landlord/tenant provisions, modifications to provisions enacted last session, and allowing towing of vehicles parked on posted property

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**Instructions:**

All of the language in:  
SA1  
SA2-SA1  
SA2  
SA1-SA2  
SA2-SA2

And changes the following provision that is currently in SA1:

704.44(9) Allows the landlord to terminate the tenancy of a tenant based solely on criminal activity if a crime is committed in or on the rental property that is directed against the tenant and that is not committed by the tenant even if the tenant could not reasonably have prevented the crime.

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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>
/?	chanaman 8/29/2013	csicilia 8/29/2013	jfrantze 8/29/2013	_____			
/P1	chanaman 8/29/2013	scalvin 8/29/2013	jmurphy 8/29/2013	_____	srose 8/29/2013		
/P2	pkahler 9/4/2013			_____	srose 8/29/2013		
/P3	pkahler 9/5/2013	kfollett 9/4/2013	rschluet 9/4/2013	_____	mbarman 9/4/2013		
/1		kfollett 9/5/2013	jfrantze 9/5/2013	_____	mbarman 9/5/2013	mbarman 9/5/2013	

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/P2	pkahler 9/4/2013			_____	srose 8/29/2013		
/P3		kfollett 9/4/2013	rschluet 9/4/2013	_____	mbarman 9/4/2013		

FE Sent For:

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SA2-SA1  
SA2  
SA1-SA2  
SA2-SA2

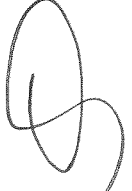
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/P1	chanaman 8/29/2013	scalvin 8/29/2013	jmurphy 8/29/2013	_____	srose 8/29/2013		
/P2				_____	srose 8/29/2013		

FE Sent For:

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9/4  
  
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a  
jm

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Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

/? chanaman csicilia jfrantze \_\_\_\_\_  
8/29/2013 8/29/2013 8/29/2013 \_\_\_\_\_

/P1 \_\_\_\_\_ srose  
\_\_\_\_\_ 8/29/2013

*P2 SAC  
08/29/2013*

*jm  
8/29 self*

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Vers. Drafted      Reviewed      Typed      Proofed      Submitted      Jacketed      Required

/?      chanaman

PI 8/29      JB 8/29  
gs 13

FE Sent For:

<END>

## Hanaman, Cathlene

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**From:** LRB.Legal  
**Sent:** Thursday, August 29, 2013 10:19 AM  
**To:** Gary, Aaron; Hanaman, Cathlene  
**Cc:** Kahler, Pam; Hurley, Peggy; Kovach, Robert  
**Subject:** FW: SB-179 RUSH SA needed

**Importance:** High

Rush amendments needed ... PJK & PJH on vacation

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**From:** Kovach, Robert  
**Sent:** Thursday, August 29, 2013 10:12 AM  
**To:** LRB.Legal  
**Subject:** SB-179 RUSH SA needed

Dear LRB Legal staff,

With Pam Kahler being on vacation, I need to submit a rush request for a Substitute Amendment for SB-179 that includes:

All of the language in:

SA1  
SA2-SA1  
SA2  
SA1-SA2  
SA2-SA2

And changes the following provision that is currently in SA1:

704.44(9) Allows the landlord to terminate the tenancy of a tenant based solely on criminal activity if a crime is committed in or on the rental property that is directed against the tenant and that is not committed by the tenant even if the tenant could not reasonably have prevented the crime.

Please have it written as a preliminary draft so we can review it before it is issued in introducible form.

Thank you all for your help on this matter.

## **Rob Kovach**

Policy Advisor/Committee Clerk  
Office of Senator Frank Lasee  
(608) 266-3512



State of Wisconsin  
2013 - 2014 LEGISLATURE



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s 0104/p1

LRB-1983/1  
PJK/ARG/PJH:sac:rs

SSA to

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2013 SENATE BILL 179

Now

use section  
autonumbers  
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May 8, 2013 - Introduced by Senators LASEE and SCHULTZ, cosponsored by Representatives STROEBEL, PRIDEMORE, JACQUE, KERKMAN and BIES. Referred to Committee on Insurance and Housing.

Gen  
Cat

ca

1 AN ACT to repeal 704.28 (4) (d), 704.44 (9), 799.45 (3) (am) 1., 799.45 (3) (am) 2.,  
2 799.45 (3) (am) 3., 799.45 (3) (am) 4., 799.45 (3) (am) 5., 799.45 (3) (am) 6. and  
3 799.45 (3) (am) 7.; to renumber and amend 66.0104 (3), 349.13 (3m) and  
4 799.45 (3) (am) (intro.); to amend 349.13 (5) (b) 2., 349.13 (5) (c), 704.05 (5) (a)  
5 1., 704.05 (5) (bf), 704.07 (2) (bm) 1., 704.07 (3) (a), 704.08, 704.28 (2), 704.28  
6 (4) (b), 704.95, 799.05 (3) (b), 799.06 (2), 799.12 (2), 799.20 (4), 799.206 (3),  
7 799.40 (1), 799.40 (1m), 799.42, 799.44 (2), 799.45 (title), 799.45 (1), 799.45 (2)  
8 (b), 799.45 (2) (bg), 799.45 (2) (c), 799.45 (3) (title), 799.45 (3) (a), 799.45 (3) (b),  
9 799.45 (3) (c) and 799.45 (4); and to create 66.0104 (2) (c), 66.0104 (2) (d),  
10 66.0104 (3) (b), 349.13 (3m) (a), (c), (d) and (e), 704.28 (5) and 895.489 of the  
11 statutes; relating to: miscellaneous provisions related to rental and vehicle  
12 towing practices and eviction proceedings, prohibitions on enacting ordinances

**SENATE BILL 179**

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REL*

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that place certain limitations or requirements on landlords, providing an

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exemption from emergency rule procedures, granting rule-making authority.

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

***Provisions relating to landlords and tenants***

This bill makes a number of miscellaneous changes to the statutes related to landlords and tenants, including the following:

1. Under current law, if a tenant removes from the rental premises and leaves personal property behind, in the absence of written agreement to the contrary, there is a presumption that the tenant has abandoned the personal property, and the landlord may dispose of it in any way that the landlord determines is appropriate, with the exception of prescription drugs, which the landlord must hold for seven days before disposal. If the landlord does not intend to store the property, the landlord must provide written notice of that fact to the tenant when the tenant enters into or renews a rental agreement. Also under current law, if a tenant is evicted from the premises and a writ of restitution is delivered to the sheriff, the sheriff executes the writ by removing the defendant, who is the tenant, and the defendant's personal property. However, in counties other than Milwaukee County, the plaintiff, who is the landlord, may notify the sheriff that the plaintiff or his or her agent will remove and store the property. Current law provides specific requirements for storage of the property and notice to the defendant, regardless of whether the sheriff or the plaintiff removes the personal property.

Under this bill, if a tenant is evicted from the rental premises, the sheriff executes a writ of restitution in the same manner as under current law. If the sheriff removes the personal property, the requirements under current law as to storage and notice to the defendant apply. The bill provides that a plaintiff in any county may notify the sheriff that the plaintiff or his or her agent will remove the personal property, in which case the provisions under current law that apply to personal property that is left behind if the tenant removes from the premises apply. There is a presumption that the defendant has abandoned the property and, in the absence of a written agreement to the contrary, the plaintiff may remove and dispose of the property in any manner that the plaintiff determines is appropriate, except for prescription drugs, which must be held for seven days before disposal. The bill provides that, if the landlord does not intend to store any property left behind, either if the tenant removes from the premises or is evicted, the landlord must provide written notice to the tenant when the tenant enters into or renews a rental agreement or at any other time before the tenant removes from or is evicted from the premises. If the landlord has not done that, the landlord may not dispose of the property in any manner that the landlord determines is appropriate, but must follow the notice, storage, and sale requirements that applied under former law when a tenant removed from the premises and left personal property behind.

2. Under current law, if an employee or a prospective employer of an employee requests an employer to provide a reference about the employee's job performance

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**SENATE BILL 179**

or qualifications, the employer is exempt from civil liability for providing the reference. The bill provides a landlord with an exemption from civil liability for providing a reference about the rental performance of an applicant for tenancy if the applicant or a prospective landlord of the applicant requests the landlord to provide the reference. As under current law for employers, there is a presumption that the landlord is acting in good faith. The presumption may be overcome only by clear and convincing evidence that the landlord knowingly provided false information in the reference or made the reference maliciously.

3. Current law provides that, if a tenant damages the premises through negligence or improper use of the premises, the tenant must repair the damage. However, the landlord may elect to do the repair, in which case the tenant must reimburse the landlord. The bill specifically provides that an infestation of insects or other pests may constitute damage to the premises and that, if the premises are damaged by the acts or inaction of the tenant, the landlord may elect to allow the tenant to remediate or repair the damage or may elect to remediate or repair the damage himself or herself, in which case the tenant must reimburse the landlord.

4. Under current law, a landlord must disclose to a prospective tenant any building or housing code violation to which certain specified criteria apply, including that the landlord has actual knowledge of the violation. The bill changes that criterion from the landlord having actual knowledge to the landlord having received written notice of the violation from a local housing code enforcement agency.

5. Under current law, a city, village, town, or county (municipality) is prohibited from enacting or enforcing certain ordinances relating to landlords and tenants, such as an ordinance imposing a moratorium on eviction actions or an ordinance that places certain limitations on what information a landlord may obtain and use concerning a prospective tenant. The bill additionally prohibits a municipality from enacting or enforcing an ordinance that limits a tenant's responsibility, or a landlord's right to recover, for any damage to, or neglect of, the premises; that requires a landlord to communicate to tenants any information that is not required to be communicated to tenants under federal or state law; or that requires a landlord to communicate to the municipality any information concerning the landlord unless the information is required under federal or state law or is required of all residential real property owners.

6. Current law specifies what costs may be withheld from a security deposit and the timing for the return of a security deposit after a tenant removes from the premises. The bill limits these provisions to residential tenancies. In addition, the bill provides that if a tenant is evicted from the premises, his or her security deposit must be returned within 21 days after either the date on which the tenant's rental agreement terminates or the date on which a new tenant's tenancy begins if the landlord re-rents the premises before the tenant's rental agreement terminates. Under current law, an evicted tenant's security deposit must be returned within 21 days after the earlier of the date on which a writ of restitution is executed or the date on which the landlord learns that the tenant has vacated the premises.

7. Current law provides that a residential rental agreement is void and unenforceable if it contains a provision that does any of a number of certain specified

**SENATE BILL 179**

things, including allowing the landlord to terminate the tenancy of a tenant if a crime is committed in or on the rental property, even if the tenant could not have prevented the crime. The bill removes that item from the list of provisions that, if contained in a residential rental agreement, make it void and unenforceable.

8. Current law provides that any violation of the chapter of the statutes that contains the landlord-tenant provisions may constitute unfair methods of competition or unfair trade practices under the provisions of the statutes under which the Department of Agriculture, Trade and Consumer Protection regulates marketing and trade practices. The bill limits the landlord-tenant provisions that, if violated, may constitute unfair methods of competition or unfair trade practices to the provisions relating to withholding from and returning security deposits and the provisions that, if contained in a residential rental agreement, make it void and unenforceable.

9. Current law provides that a person who is entitled to possession of real property may commence an eviction action. The bill adds that an agent of such a person, authorized in writing, may also commence the eviction action. Under current law, a person who commences an eviction action may appear in his, her, or its own proper person or by an attorney. A person is considered to be appearing in its own proper person if it appears by a full-time authorized employee. The bill adds that a person may appear in its own proper person by a member, or an agent of a member or authorized employee, of the person. Current law provides that an eviction action based on failure to pay rent may not be dismissed solely because the landlord accepts past due rent from the tenant after the termination of the tenant's tenancy. The bill provides that an eviction action based on failure to pay rent or for any other reason may not be dismissed because the landlord accepts past due rent or any other payment from the tenant after serving notice of default or commencing the eviction action.

10. Under current law, a landlord must provide to a tenant when the tenant commences his or her occupancy of the premises a standardized information check-in sheet that contains an itemized description of the condition of the premises. The bill changes this requirement so that the landlord must provide to the tenant a check-in sheet that the tenant may use to make comments about the condition of the premises.

***Towing vehicles illegally parked on private property***

Current law prohibits the removal (towing) of a vehicle involved in trespass parking on a private parking lot or facility without the permission of the vehicle owner, unless a parking citation is issued by a traffic officer or a repossession judgment is issued.

Under this bill, if a vehicle is parked without authorization on private property, the vehicle may be towed immediately, at the vehicle owner's expense and without the owner's permission, as follows: 1) from private property that is properly posted, whether or not a parking citation is issued; or 2) from private property that is not properly posted, only if a parking citation is issued or a repossession judgment is issued. "Properly posted" means there is clearly visible notice that an area is private property and that vehicles that are not authorized to park in this area may be

**SENATE BILL 179**

immediately towed. A vehicle may be towed under the bill only by a towing service at the request of the property owner or property owner's agent or of a traffic officer or parking enforcer. The vehicle owner must pay the reasonable charges for towing and, if applicable, storage of the vehicle and the towing service may impound the vehicle until these charges are paid. If these charges are not paid within 30 days or arrangements for installment payments are not made, the vehicle is considered abandoned and may be disposed of as are other abandoned vehicles. The Department of Transportation must promulgate rules establishing reasonable charges for towing and storage of vehicles under the provisions of the bill.

***Eviction actions***

The bill also makes changes to certain court procedures for eviction actions. Under current law, a civil action is generally commenced when the plaintiff in the action serves the defendant with a copy of the summons and complaint (summons) against him or her.

Generally, personal service of the summons must be made on the defendant or on another person who lives at the defendant's place of residence (substituted service), although current law allows a court, by rule, to authorize the service of the summons in mail in actions that are not eviction actions.

Under current law, a defendant in an eviction action must appear in court not less than five days nor more than 30 days after the summons is issued. The court generally sets the matter for a hearing when the defendant makes this initial appearance.

If the plaintiff prevails in an eviction action and the court determines that the defendant must leave the rented premises, the current law requires the court to order that a writ of restitution be issued to the sheriff in the county where the property is located. The writ of restitution requires the sheriff's department to remove the defendant and his or her personal property from the premises.

The bill allows a court, by rule, to authorize that the summons in an eviction may be served by mail. The bill also shortens the time during which a defendant in an eviction must appear from 30 days to 20 days and requires the court to set the matter for a hearing within 20 days of the date of the initial appearance. The bill requires a writ of restitution to be issued within five days after the court enters judgment in the eviction action.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

- 1           **SECTION 1.** 66.0104 (2) (c) of the statutes is created to read:
- 2           66.0104 (2) (c) No city, village, town, or county may enact an ordinance that
- 3           limits a residential tenant's responsibility, or a residential landlord's right to recover,



**SENATE BILL 179**

**SECTION 1**

1 for any damage or waste to, or neglect of, the premises that occurs during the tenant's  
2 occupancy of the premises, or for any other costs, expenses, fees, payments, or  
3 damages for which the tenant is responsible under the rental agreement or  
4 applicable law.

5 **SECTION 2.** 66.0104 (2) (d) of the statutes is created to read:

6 66.0104 (2) (d) 1. No city, village, town, or county may enact an ordinance that  
7 requires a landlord to communicate to tenants any information that is not required  
8 to be communicated to tenants under federal or state law.

9 2. No city, village, town, or county may enact an ordinance that requires a  
10 landlord to communicate to the city, village, town, or county any information  
11 concerning the landlord, unless any of the following applies:

12 a. The information is required under federal or state law.

13 b. The information is required of all residential real property owners.

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14 **SECTION 3.** 66.0104 (3) of the statutes is renumbered 66.0104 (3) (a) and  
15 amended to read:

16 66.0104 (3) (a) If a city, village, town, or county has in effect on December 21,  
17 2011, an ordinance that is inconsistent with sub. (2) (a) or (b), the ordinance does not  
18 apply and may not be enforced.

19 **SECTION 4.** 66.0104 (3) (b) of the statutes is created to read:

20 66.0104 (3) (b) If a city, village, town, or county has in effect on the effective date  
21 of this paragraph .... [LRB inserts date], an ordinance that is inconsistent with sub.  
22 (2) (c) or (d), the ordinance does not apply and may not be enforced.

23 **SECTION 5.** 349.13 (3m) of the statutes is renumbered 349.13 (3m) (b) and  
24 amended to read:

SENATE BILL 179

*INS 7-20 SA2SA2*

1 349.13 (3m) (b) ~~No~~ If private property is not properly posted and a vehicle  
2 involved in trespass parking on a is parked on the private parking lot or facility shall  
3 be removed property and is not authorized to be parked there, the vehicle may be  
4 removed immediately, at the vehicle owner's expense, without the permission of the  
5 vehicle owner, ~~except~~ upon the issuance of a repossession judgment or upon formal  
6 complaint and the issuance of a citation for illegal parking issued by a traffic or police  
7 officer.

*(dg) (dm) (dr)*

8 SECTION 6. 349.13 (3m) (a), (c), (d) and (e) of the statutes are created to read:  
9 349.13 (3m) (a) In this subsection:

- 10 1. "Parking enforcer" has the meaning given in s. 341.65 (1) (ar).
- 11 2. "Properly posted" means there is clearly visible notice that an area is private
- 12 property and that vehicles that are not authorized to park in this area may be
- 13 immediately removed.

*Subject to par. (dr) 1.5*

14 (c) ~~If~~ private property is properly posted and a vehicle is parked on the private  
15 property and is not authorized to be parked there, the vehicle may be removed  
16 immediately, at the vehicle owner's expense, without the permission of the vehicle  
17 owner, regardless of whether a citation is issued for illegal parking.

18 (d) ~~A~~ *(1. Subject to par. (dr) 1.5)* vehicle may be removed from private property under par. (b) or (c) only  
19 by a towing service at the request of the property owner or property owner's agent,

20 a traffic officer, or a parking enforcer. ~~The~~ vehicle owner shall pay the reasonable  
21 charges for removal and, if applicable, storage of the vehicle. ~~If~~ the vehicle was  
22 removed at the request of the property owner or property owner's agent, these  
23 reasonable charges shall be paid directly to the towing service, and the towing service  
24 may impound the vehicle until these charges are paid. If these charges have not been  
25 paid in full within 30 days of the vehicle's removal and the vehicle owner has not

*INS 7-20 SA2SA2 A*

*INS 7-20 SA2SA2 B*

**SENATE BILL 179**

**SECTION 6**

1 entered into a written agreement with the towing service to pay these reasonable  
2 charges in installment payments, the vehicle shall be deemed abandoned and may  
3 be disposed of as are other abandoned vehicles.

4 (e) The department shall promulgate rules establishing reasonable charges for  
5 removal and storage of vehicles under this subsection.

6 **SECTION 7.** 349.13 (5) (b) 2. of the statutes is amended to read:

7 349.13 (5) (b) 2. A person who has custody of a vehicle removed or stored under  
8 subs. (3) to (4) or otherwise at the request of a law enforcement officer, traffic officer,  
9 parking enforcer, property owner, or property owner's agent shall release the  
10 personal property within the vehicle to the owner of the vehicle during regular office  
11 hours upon presentation by the owner of proper identification.

12 **SECTION 8.** 349.13 (5) (c) of the statutes is amended to read:

13 349.13 (5) (c) A traffic or police officer or parking enforcer who requests removal  
14 of a vehicle under subs. (3) to (4) by a towing service shall, within 24 hours of  
15 requesting the removal, notify the towing service of the name and last-known  
16 address of the registered owner and all lienholders of record of the vehicle if the  
17 vehicle is to be removed to any location other than a public highway within one mile  
18 from the location from which the vehicle is to be removed and if the officer or parking  
19 enforcer is not employed by a municipality or county that has entered into a towing  
20 services agreement which requires the municipality or county to provide notice to  
21 such owner and lienholders of the towing.

22 **SECTION 9.** 704.05 (5) (a) 1. of the statutes is amended to read:

23 704.05 (5) (a) 1. If a tenant removes from or is evicted from the premises and  
24 leaves personal property, the landlord may presume, in the absence of a written  
25 agreement between the landlord and the tenant to the contrary, that the tenant has

INS  
8-3  
SAZSA

all of the following: (1) 1.

INS 8-6

## SENATE BILL 179

1 abandoned the personal property and may, subject to par. (am) and s. 799.45 (3m),  
 2 dispose of the abandoned personal property in any manner that the landlord, in its  
 3 sole discretion, determines is appropriate.

4 **SECTION 10.** 704.05 (5) (bf) of the statutes is amended to read:

5 ~~704.05 (5) (bf) *Notice that landlord will not store property.* If the landlord does~~  
 6 ~~not intend to store personal property left behind by a tenant, except as provided in~~  
 7 ~~par. (am), the landlord shall provide written notice to a tenant, when the tenant~~  
 8 ~~enters into, and when the tenant or renews, a rental agreement or at any other time~~  
 9 ~~before the tenant removes from or is evicted from the premises, that the landlord will~~  
 10 ~~not store any items of personal property that the tenant leaves behind when the~~  
 11 ~~tenant removes from, or if the tenant is evicted from, the premises, except as~~  
 12 ~~provided in par. (am). Notwithstanding pars. (a), (am), and (b), if the landlord does~~  
 13 ~~not provide has not provided to a tenant the notice required under this paragraph,~~  
 14 ~~the landlord shall comply with s. 704.05, 2009 stats., with respect to any personal~~  
 15 ~~property left behind by the tenant when the tenant removes from the premises, or~~  
 16 ~~if the tenant is evicted from the premises and the landlord notifies the sheriff under~~  
 17 ~~s. 799.45 (3m).~~

18 **SECTION 11.** 704.07 (2) (bm) 1. of the statutes is amended to read:

19 704.07 (2) (bm) 1. The landlord has ~~actual knowledge~~ received written notice  
 20 of the violation from a local housing code enforcement agency.

21 **SECTION 12.** 704.07 (3) (a) of the statutes is amended to read:

22 704.07 (3) (a) If the premises are damaged ~~by the negligence or improper use~~  
 23 ~~of the premises by,~~ including by an infestation of insects or other pests, due to the acts  
 24 or inaction of the tenant, the landlord may elect to allow the tenant must to  
 25 remediate or repair the damage and restore the appearance of the premises by

IWS

9-18

**SENATE BILL 179**

**SECTION 12**

1 redecorating. However, the landlord may elect to undertake the remediation, repair,  
2 or redecoration, and in such case the tenant must reimburse the landlord for the  
3 reasonable cost thereof; the cost to the landlord is presumed reasonable unless  
4 proved otherwise by the tenant.

5 **SECTION 13.** 704.08 of the statutes is amended to read:

6 **704.08 Information check-in Check-in sheet.** A landlord shall provide to  
7 a new residential tenant when the tenant commences his or her occupancy of the  
8 premises a ~~standardized information~~ check-in sheet that ~~contains an itemized~~  
9 ~~description of~~ the tenant may use to make comments, if any, about the condition of  
10 the premises at ~~the time of check-in~~. The tenant shall be given 7 days from the date  
11 the tenant commences his or her occupancy to complete the check-in sheet and  
12 return it to the landlord. The landlord is not required to provide the ~~information~~  
13 check-in sheet to a tenant upon renewal of a rental agreement. This section does not  
14 apply to the rental of a plot of ground on which a manufactured home, as defined in  
15 s. 704.05 (5) (b) 1. a., or a mobile home, as defined in s. 704.05 (5) (b) 1. b., may be  
16 located.

INS  
10-14

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17 **SECTION 14.** 704.28 (2) of the statutes is amended to read:

18 **704.28 (2) NONSTANDARD RENTAL PROVISIONS.** Except as provided in sub. (3), a  
19 rental agreement may include one or more nonstandard rental provisions that  
20 authorize the landlord to withhold amounts from the tenant's security deposit for  
21 reasons not specified in sub. (1) (a) to (e). Any such nonstandard rental provisions  
22 shall be provided to the tenant in a separate written document entitled  
23 "NONSTANDARD RENTAL PROVISIONS." The landlord shall specifically identify  
24 ~~and discuss~~ each nonstandard rental provision with the tenant before the tenant  
25 enters into a rental agreement with the landlord. If the tenant signs his or her name,

INS  
10-17

**SENATE BILL 179**

1 or writes his or her initials, by a nonstandard rental provision, it is rebuttably  
2 presumed that the landlord has specifically identified ~~and discussed~~ the  
3 nonstandard rental provision with the tenant and that the tenant has agreed to it.

4 **SECTION 15.** 704.28 (4) (b) of the statutes is amended to read:

5 704.28 (4) (b) If the tenant vacates the premises before the termination date  
6 of the rental agreement or if the tenant is evicted, the date on which the tenant's  
7 rental agreement terminates or, if the landlord rerents the premises before the  
8 tenant's rental agreement terminates, the date on which the new tenant's tenancy  
9 begins.

10 **SECTION 16.** 704.28 (4) (d) of the statutes is repealed.

11 **SECTION 17.** 704.28 (5) of the statutes is created to read:

12 704.28 (5) APPLICATION TO RESIDENTIAL TENANCIES. This section applies to  
13 residential tenancies only.

14 **SECTION 18.** 704.44 (9) of the statutes is repealed.

15 **SECTION 19.** 704.95 of the statutes is amended to read:

16 **704.95 Practices regulated by the department of agriculture, trade**  
17 **and consumer protection.** Practices in violation of ~~this chapter s. 704.28 or 704.44~~  
18 may also constitute unfair methods of competition or unfair trade practices under s.  
19 100.20. However, the department of agriculture, trade and consumer protection may  
20 not issue an order or promulgate a rule under s. 100.20 that changes any right or duty  
21 arising under this chapter.

22 **SECTION 20.** 799.05 (3) (b) of the statutes is amended to read:

23 799.05 (3) (b) Except in eviction actions, the return date for a summons served  
24 upon a resident of this state shall be not less than 8 days nor more than 30 days from  
25 the issue date, and service shall be made not less than 8 days prior to the return date.

INS  
11-10

INS  
11-14

INS  
11-15

INS  
11-22

**SENATE BILL 179**

**SECTION 20**

25  
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1 In eviction actions, the return date for a summons served upon a resident of this state  
2 shall be not less than 5 days nor more than 30 ~~14~~ days from the issue date, and service  
3 shall be made not less than 5 days prior to the return date.

4 **SECTION 21.** 799.06 (2) of the statutes is amended to read:

5 799.06 (2) A person may commence and prosecute or defend an action or  
6 proceeding under this chapter and may appear in his, her, or its own proper person  
7 or by an attorney regularly authorized to practice in the courts of this state. Under  
8 this subsection, a person is considered to be acting in his, her, or its own proper  
9 person if the appearance is by a full-time member or authorized employee of the  
10 person, or by an agent of the member or an authorized employee of the agent. An  
11 assignee of any cause of action under this chapter shall not appear by a full-time  
12 authorized employee, unless the employee is an attorney regularly authorized to  
13 practice in the courts of this state.

INS 12-9

14 **SECTION 22.** 799.12 (2) of the statutes is amended to read:

15 799.12 (2) Any circuit court may by rule authorize the service of summons in  
16 some or all actions under this chapter, ~~except eviction actions,~~ by mail under sub. (3)  
17 in lieu of personal or substituted service under s. 801.11.

18 **SECTION 23.** 799.20 (4) of the statutes is amended to read:

19 799.20 (4) INQUIRY OF DEFENDANT WHO APPEARS ON RETURN DATE. If the defendant  
20 appears on the return date of the summons or any adjourned date thereof, the court  
21 or circuit court commissioner shall make sufficient inquiry of the defendant to  
22 determine whether the defendant claims a defense to the action. If it appears to the  
23 court or circuit court commissioner that the defendant claims a defense to the action,  
24 the court or circuit court commissioner shall schedule a trial of all the issues involved  
25 in the action, unless the parties stipulate otherwise or the action is subject to

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INS  
12-18

SENATE BILL 179

*a residential*

1

immediate dismissal. In an eviction action, the court or circuit court commissioner shall schedule a trial of all the issues involved in the action within 20 days of the return date of the summons or any adjourned date thereof, unless the parties stipulate otherwise or the action is subject to immediate dismissal.

INS  
13-2

5

SECTION 24. 799.206 (3) of the statutes is amended to read:

6

799.206 (3) When all parties appear in person or by their attorneys on the return date in an eviction, garnishment, or replevin action and any party claims that a contest exists, the matter shall be forthwith scheduled for a hearing, to be held as soon as possible before a judge and in the case of an eviction action, not more than 20 days after the return date.

11

SECTION 25. 799.40 (1) of the statutes is amended to read:

12

799.40 (1) WHEN COMMENCED. A civil action of eviction may be commenced by a person entitled to the possession of real property, or by that person's agent authorized in writing, to remove therefrom any person who is not entitled to either the possession or occupancy of such real property.

16

SECTION 26. 799.40 (1m) of the statutes is amended to read:

17

799.40 (1m) ACCEPTANCE OF RENT OR OTHER PAYMENT. If a landlord commences an action under this section against a tenant whose tenancy has been terminated for failure to pay rent or for any other reason, the action under this section may not be dismissed solely because the landlord accepts past due rent or any other payment from the tenant after ~~the termination of the tenant's tenancy~~ servicing notice of default or after commencing the action.

23

SECTION 27. 799.42 of the statutes is amended to read:



**SENATE BILL 179**

**799.42 Service and filing in eviction actions.** The complaint shall be served with the summons when personal or substituted service is had under s. 799.12

*plain*  
~~(1)~~ (2) or (3)

**SECTION 28.** 799.44 (2) of the statutes is amended to read:

799.44 (2) WRIT OF RESTITUTION. At the time of ordering judgment for the

restitution of premises, the court shall <sup>immediately</sup> order that a writ of restitution be issued, ~~and~~ *plain*

~~the writ may be within 5 days and~~ delivered to the sheriff for execution in accordance

with s. 799.45. No writ shall be executed if received by the sheriff more than 30 days

after its issuance.

**SECTION 29.** 799.45 (title) of the statutes is amended to read:

**799.45 (title) Execution of writ of restitution; disposal of personal property.**

**SECTION 30.** 799.45 (1) of the statutes is amended to read:

799.45 (1) WHEN EXECUTED. Upon delivery of a writ of restitution to the sheriff,

and after payment to the sheriff of the fee required by s. 814.70 (8), the sheriff shall

execute the writ. If the plaintiff, or the plaintiff's attorney or agent, does not notify

the sheriff under sub. (3) ~~(am)~~ (3m) that the plaintiff or his or her agent will remove

and store or dispose of the property, the sheriff may require that prior to the

execution of any writ of restitution the plaintiff deposit a reasonable sum

representing the probable cost of removing the defendant's property chargeable to

the plaintiff under s. 814.70 (8) and (10) and of the services of deputies under s.

814.70 (8). In case of dispute as to the amount of the required deposit, the amount

of that deposit shall be determined by the court under s. 814.70 (10).

**SECTION 31.** 799.45 (2) (b) of the statutes is amended to read:

*W.S.  
14-4  
plain*

**SENATE BILL 179****SECTION 31**

1           799.45 (2) (b) ~~Remove If the plaintiff or his or her agent does not notify the~~  
2           ~~sheriff under sub. (3m) that the plaintiff or his or her agent will remove and store or~~  
3           ~~dispose of the personal property, remove or supervise removal from the premises~~  
4           described in the writ, using such reasonable force as may be necessary, all personal  
5           property found in the premises not the property of the plaintiff.

6           **SECTION 32.** 799.45 (2) (bg) of the statutes is amended to read:

7           799.45 (2) (bg) ~~Assist If requested by the plaintiff or his or her agent, assist~~ the  
8           plaintiff or his or her agent in the removal, under sub. ~~(3) (am)~~ (3m), of all personal  
9           property found in the premises described in the writ, not the property of the plaintiff,  
10          using such reasonable force as may be necessary.

11          **SECTION 33.** 799.45 (2) (c) of the statutes is amended to read:

12          799.45 (2) (c) Exercise ordinary care in the removal or supervision of removal  
13          of all persons and ~~property from the premises and, in the removal or supervision of~~  
14          ~~removal of personal property under par. (b), and in the handling and storage of all~~  
15          property removed from the premises under par. (b).

16          **SECTION 34.** 799.45 (3) (title) of the statutes is amended to read:

17          799.45 (3) (title) MANNER OF REMOVAL AND DISPOSITION OF REMOVED GOODS BY  
18          SHERIFF

19          **SECTION 35.** 799.45 (3) (a) of the statutes is amended to read:

20          799.45 (3) (a) In accomplishing the removal of property from the premises  
21          described in the writ, the sheriff is authorized to engage the services of a mover or  
22          trucker unless the plaintiff notifies the sheriff under ~~par. (am)~~ sub. (3m) that the  
23          plaintiff will remove and store or dispose of the property.

24          **SECTION 36.** 799.45 (3) (am) (intro.) of the statutes is renumbered 799.45 (3m)  
25          and amended to read:

**SENATE BILL 179****SECTION 36**

1           799.45 (3m) ALTERNATIVE DISPOSITION OF PROPERTY BY PLAINTIFF. When  
2 delivering a writ of restitution to the sheriff ~~in counties other than counties with a~~  
3 ~~population of 500,000 or more, as a complete alternative to the procedure for~~  
4 ~~disposition of the property under sub. (3), the plaintiff or his or her attorney or agent~~  
5 may notify the sheriff that the plaintiff or the plaintiff's agent will be responsible for  
6 the removal and storage <sup>INS 16-6</sup> for disposal of the property that is found in the premises  
7 described in the writ and that does not belong to the plaintiff. ~~When notifying the~~  
8 ~~sheriff that the plaintiff or the plaintiff's agent will remove the property, the plaintiff~~  
9 ~~or his or her attorney or agent shall file the bond or insurance policy required under~~  
10 ~~subd. 5. with the clerk of court that issued the writ of restitution in accordance with~~  
11 ~~s. 704.05.~~ <sup>INS 16-11</sup> If the sheriff is notified that the plaintiff or the plaintiff's agent will be  
12 responsible for the removal and storage or disposal of the property under this  
13 paragraph subsection, the sheriff shall, ~~in executing the writ of restitution if~~ if  
14 requested by the plaintiff or his or her agent, supervise the removal and handling of  
15 the property by the plaintiff or the plaintiff's agent. ~~The sheriff may prevent the~~  
16 ~~plaintiff or the plaintiff's agent from removing property under this paragraph if the~~  
17 ~~plaintiff or the plaintiff's agent fails to comply with subd. 1., 2., 5. or 6. or if the~~  
18 ~~plaintiff or the plaintiff's agent fails to exercise ordinary care in the removal and~~  
19 ~~handling of the property as required under subd. 3. If the plaintiff or the plaintiff's~~  
20 ~~agent remove and store the property under this paragraph, the plaintiff or the~~  
21 ~~plaintiff's agent shall do all of the following:~~

22           **SECTION 37.** 799.45 (3) (am) 1. of the statutes is repealed.

23           **SECTION 38.** 799.45 (3) (am) 2. of the statutes is repealed.

24           **SECTION 39.** 799.45 (3) (am) 3. of the statutes is repealed.

25           **SECTION 40.** 799.45 (3) (am) 4. of the statutes is repealed.

**SENATE BILL 179**

1           **SECTION 41.** 799.45 (3) (am) 5. of the statutes is repealed.

2           **SECTION 42.** 799.45 (3) (am) 6. of the statutes is repealed.

3           **SECTION 43.** 799.45 (3) (am) 7. of the statutes is repealed.

4           **SECTION 44.** 799.45 (3) (b) of the statutes is amended to read:

5           799.45 (3) (b) Except as provided in ~~pars. (am) and par.~~ (c), the property  
6 removed from such premises under this subsection shall be taken to some place of  
7 safekeeping within the county selected by the sheriff. Within 3 days of the removal  
8 of the goods, the sheriff shall mail a notice to the defendant as specified in sub. (4)  
9 stating the place where the goods are kept and, ~~if the plaintiff had not removed the~~  
10 ~~property under par. (am),~~ shall deliver to the defendant any receipt or other  
11 document required to obtain possession of the goods. Warehouse or other similar  
12 receipts issued with respect to goods stored by the sheriff under this subsection shall  
13 be taken in the name of the defendant. All expenses incurred for storage and other  
14 like charges after delivery by the sheriff ~~or by the plaintiff~~ to a place of safekeeping  
15 shall be the responsibility of the defendant. Any person accepting goods from the  
16 sheriff ~~or the plaintiff~~ for storage under this subsection, ~~or the plaintiff, if he or she~~  
17 ~~stores the property in his or her premises,~~ shall have all of the rights and remedies  
18 accorded by law against the defendant personally and against the property stored for  
19 the collection of such charges, including the lien of a warehouse under s. 407.209.  
20 Risk of damages to or loss of such property shall be borne by the defendant after  
21 delivery by the sheriff to the place of safekeeping.

22           **SECTION 45.** 799.45 (3) (c) of the statutes is amended to read:

23           799.45 (3) (c) When, in the exercise of ordinary care, the sheriff determines that  
24 property to be removed from premises described in the writ is without monetary  
25 value, the sheriff ~~or the plaintiff, if he or she has agreed to remove the property under~~

**SENATE BILL 179****SECTION 45**

1 ~~par. (am)~~, may deliver or cause the same to be delivered to some appropriate place  
2 established for the collection, storage, and disposal of refuse. In such case the sheriff  
3 shall notify the defendant as specified in sub. (4) of the place to which the goods have  
4 been delivered within 3 days of the removal of the goods. The exercise of ordinary  
5 care by the sheriff under this subsection does not include searching apparently  
6 valueless property for hidden or secreted articles of value.

7 **SECTION 46.** 799.45 (4) of the statutes is amended to read:

8 799.45 (4) MANNER OF GIVING NOTICE TO DEFENDANT. All notices required by sub.  
9 (3) to be given to the defendant by the sheriff ~~or by the plaintiff~~ shall be in writing  
10 and shall be personally served upon the defendant or mailed to the defendant at the  
11 last-known address, even if such address be the premises which are the subject of  
12 the eviction action.

13 **SECTION 47.** 895.489 of the statutes is created to read:

14 **895.489 Civil liability exemption; tenancy references.** (1) In this section:

15 (a) "Reference" means a written or oral statement about the rental performance  
16 of an applicant for tenancy and may include statements about the applicant's  
17 payment history, conformance to rental agreement requirements, or conformance to  
18 local and state laws; factual statements regarding any rental agreement  
19 enforcement actions, including notices given under s. 704.17, 704.19, or 710.15 (5r);  
20 and factual statements about any dispute settlement between the landlord and  
21 applicant in accordance with any agreement between the landlord and applicant  
22 relating to termination of the applicant's tenancy.

23 (b) "Tenant" means a residential tenant, regardless of the type of tenancy or  
24 rental period.

**SENATE BILL 179**

1           (2) A landlord who, on the request of a prospective landlord of an applicant for  
2 tenancy or on the request of the applicant for tenancy, provides a reference to the  
3 prospective landlord is presumed to be acting in good faith and, unless lack of good  
4 faith is shown by clear and convincing evidence, is immune from all civil liability that  
5 may result from providing that reference. The presumption of good faith under this  
6 subsection may be rebutted only upon a showing by clear and convincing evidence  
7 that the landlord knowingly provided false information in the reference or made the  
8 reference maliciously.

**SECTION 48. Nonstatutory provisions.**

9           (1) PROPOSED PERMANENT RULES. The department of transportation shall  
10 present the statement of scope of the rules required under section 349.13 (3m) (e) of  
11 the statutes, as created by this act, to the governor for approval under section  
12 227.135 (2) of the statutes no later than the 60th day after the effective date of this  
13 subsection.  
14

15           (2) EMERGENCY RULES. Using the procedure under section 227.24 of the statutes,  
16 the department of transportation shall promulgate the rules required under section  
17 349.13 (3m) (e) of the statutes, as created by this act, for the period before the  
18 effective date of the permanent rules promulgated under section 349.13 (3m) (e) of  
19 the statutes, as created by this act, but not to exceed the period authorized under  
20 section 227.24 (1) (c) of the statutes, subject to extension under section 227.24 (2) of  
21 the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes,  
22 the department is not required to provide evidence that promulgating a rule under  
23 this subsection as an emergency rule is necessary for the preservation of public  
24 peace, health, safety, or welfare and is not required to provide a finding of an  
25 emergency for a rule promulgated under this subsection. Notwithstanding section

**SENATE BILL 179**

**SECTION 48**

1 227.24 (1) (e) 1d. and 1g. of the statutes, the department is not required to prepare  
2 a statement of the scope of the rules promulgated under this subsection or present  
3 the rules to the governor for approval. The department of transportation shall  
4 promulgate the rules under this subsection no later than the first day of the 7th  
5 month beginning after the effective date of this subsection.

6 **SECTION 49. Initial applicability.**

7 (1) INSECT INFESTATIONS. The treatment of section 704.07 (3) (a) of the statutes  
8 first applies to tenancies that are in effect on the effective date of this subsection.

9 (2) RETURN OF SECURITY DEPOSIT AFTER EVICTION. The treatment of section 704.28

10 (4) (b) and (d) of the statutes first applies to eviction actions that are commenced on  
11 the effective date of this subsection.

12 (3) APPLICABILITY OF SECURITY DEPOSIT PROVISIONS. The treatment of sections  
13 704.28 (5) of the statutes first applies to tenancies that are in effect on the effective  
14 date of this subsection.

15 (4) VIOLATIONS THAT CONSTITUTE UNFAIR TRADE PRACTICES. The treatment of  
16 section 704.95 of the statutes first applies to violations that occur on the effective  
17 date of this subsection.

18 (5) EVICTION ACTIONS. The treatment of sections 799.05 (3) (b), 799.12 (2), 799.20  
19 (4), 799.206 (3), 799.42, and 799.44 (2) of the statutes first applies to eviction actions  
20 that are filed on the effective date of this subsection.

21 (6) REFERENCES PROVIDED BY LANDLORDS. The treatment of section 895.489 of the  
22 statutes first applies to references provided on the effective date of this subsection.

23 **SECTION 50. Effective dates.** This act takes effect on the first day of the first  
24 month beginning after publication, except as follows:

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INS  
20-9

INS  
20-15

INS  
20-18

INS  
20-23

799.40(1) and (1m)

INS 20-18A

INS 20-19

3rd







**SENATE AMENDMENT 2,  
TO SENATE AMENDMENT 2,  
TO SENATE BILL 179**

August 23, 2013 – Offered by Senators LASEE and SCHULTZ.

1 At the locations indicated, amend the amendment as follows:

2 ✓ 1. Page 1, line 2: delete lines 2 to 6 and substitute:

3 ✓ 1ce. Page 7, line 1: delete "If" and substitute "Subject to par. (dr) 1., if".

4 ✓ 1cm. Page 7, line 8: after "(d)" insert ", (dg), (dm), (dr)".

5 ✓ 1cs. Page 7, line 14: delete "If" and substitute "Subject to par. (dr) 1., if".

6 ✓ 1de. Page 7, line 18: delete "A" and substitute "1. Subject to par. (dr), a".

7 ✓ 1dm. Page 7, line 20: delete "The vehicle" and substitute:

8 (A) "2. Before any vehicle is removed under par. (b) or (c) by a towing service, the  
9 towing service shall notify a local law enforcement agency of the make, model, vehicle  
10 identification number, and registration plate number of the vehicle and the location  
11 to which the vehicle will be removed.

INS  
7-1  
SA2SA2

INS  
7-20  
SA2SA2  
A



1 3. Subject to par. (dr) 2., if a vehicle is removed under par. (b) or (c) by a towing  
2 service, the vehicle”.

3 Ids. Page 7, line 21: delete “vehicle. If” and substitute “vehicle, as well as any  
4 service fee imposed under par. (dm). Subject to par. (dr) 2., if”.

5 1em. Page 8, line 3: after that line insert:

6 “(dg) Every law enforcement agency shall maintain a record of each notice  
7 received under par. (d) 2., as well as identification of the towing service removing the  
8 vehicle.

9 (dm) If requested by the municipality in which the removed vehicle was  
10 illegally parked, the towing service shall charge the vehicle owner a service fee not  
11 exceeding \$35 and shall remit this service fee to the municipality. All service fees  
12 collected by a towing service under this paragraph may be aggregated and forwarded  
13 together, on a monthly basis, to each applicable municipality.

14 (dr) 1. A towing service may not remove a vehicle under this subsection if the  
15 vehicle has been reported to a law enforcement agency as stolen.

16 2. A towing service may not collect any charges for the removal or storage of  
17 an illegally parked vehicle under this subsection if the towing service has not  
18 complied with par. (d) 2. with respect to the vehicle.”.

19 2. Page 1, line 10: after that line insert:

20 “5m. Page 21, line 3: after “(d),” insert “(dg), (dm), (dr),”.

21 (END)

MS  
8-3  
SAZ  
SAZ

MS  
7-20  
SAZ  
B



**SENATE AMENDMENT 1,  
TO SENATE AMENDMENT 2,  
TO SENATE BILL 179**

August 19, 2013 – Offered by Senator LASEE.

1 At the locations indicated, amend the amendment as follows:

2 **1.** Page 1, line 6: after that line insert:

3 “1g. Page 8, line 4: delete “reasonable” and substitute “all of the following:

4 1. Reasonable”.

5 1r. Page 8, line 5: after that line insert:

6 **2.** The form and manner of display of notice necessary to qualify as “properly  
7 posted” under par. (a) 2.

8 **3.** Guidelines for towing services to notify law enforcement under par. (d) upon  
9 removal of a vehicle.”.”

10 (END)

MS  
8-16



**SENATE AMENDMENT 2,  
TO SENATE BILL 179**

June 3, 2013 - Offered by Senator LASEE.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 7, line 20: after "enforcer." insert "If the vehicle is removed under par.  
3 (c) at the request of the property owner or property owner's agent, the towing service  
4 shall promptly notify a local law enforcement agency upon the vehicle's removal of  
5 the make, model, and registration plate number of the vehicle and the location to  
6 which the vehicle has been removed."

7 **2.** Page 14, line 3: delete "(1)" and substitute "(1), (2), or (3)".

8 **3.** Page 16, line 6: after "storage or" insert "provided that the plaintiff has  
9 provided the notice under s. 704.05 (5) (bf),"

10 **4.** Page 16, line 11: after "704.05" insert "(5) (b)".

11

(END)

MS  
16-6



**SENATE AMENDMENT 2,  
TO SENATE AMENDMENT 1,  
TO SENATE BILL 179**

August 26, 2013 – Offered by Senator LASEE.

1 At the locations indicated, amend the amendment as follows:

2 **1.** Page 1, line 3: after that line insert:

3 ✓ “1m. Page 6, line 13: after that line insert:

4 “c. The information is solely information that will enable a person to contact  
5 the owner or, at the option of the owner, an agent of the owner.””

6 ✓ **2.** Page 2, line 10: after that line insert:

7 ✓ “~~SECTION 13b.~~ <sup>#</sup> 704.14 of the statutes is created to read:

8 **704.14 Notice of domestic abuse protections.** A residential rental  
9 agreement shall include the following notice in the agreement or in an addendum to  
10 the agreement:

11 **NOTICE OF DOMESTIC ABUSE PROTECTIONS**

*MS 6-14*

*MS 10-16*

1 (1) As provided in section 106.50 (5m) (dm) of the Wisconsin statutes, a tenant  
 2 may be able to stop an eviction action if the tenant can prove that the landlord knew,  
 3 or should have known, the tenant is a victim of domestic abuse, sexual assault, or  
 4 stalking and that the eviction action is based on conduct related to domestic abuse,  
 5 sexual assault, or stalking committed by either of the following:

6 (a) A person who was not the tenant's invited guest.

7 (b) A person who was the tenant's invited guest, but the tenant has done either  
 8 of the following:

9 1. Sought an injunction barring the person from the premises.

10 2. Provided a written statement to the landlord stating that the person will no  
 11 longer be an invited guest of the tenant and the tenant has not subsequently invited  
 12 the person to be the tenant's guest.

13 (2) A tenant who is a victim of domestic abuse, sexual assault, or stalking may  
 14 have the right to terminate the rental agreement in certain limited situations, as  
 15 provided in section 704.16 of the Wisconsin statutes. If the tenant has safety  
 16 concerns, the tenant should contact a local victim service provider or law  
 17 enforcement agency.

18 (3) A tenant is advised that this notice is only a summary of the tenant's rights  
 19 and the specific language of the statutes governs in all instances."

END  
BY  
10-16

20 **3.** Page 2, line 11: delete "~~SECTION~~" and substitute "SECTION".

21 **4.** Page 3, line 20: delete "704.16." and substitute "704.16, regardless of  
 22 whether the rental agreement includes the notice required under s. 704.14.".

INS  
SICREN

23 **5.** Page 3, line 20: after that line insert:

24 "SECTION 18f. 704.44 (10) of the statutes is created to read:

✓ INS 11-15

1           704.44 (10) Allows the landlord to terminate the tenancy of a tenant for a crime  
 2 committed in relation to the rental property and the rental agreement does not  
 3 include the notice required under s. 704.14.”.”

4           **6.** Page 4, line 6: after that line insert:

5           “9m. Page 12, line 17: after that line insert:

6           “~~SECTION 22m.~~ <sup>#</sup> 799.12 (3) of the statutes is amended to read:

7           799.12 (3) If authorized by court rule under sub. (2), service may be made by  
 8 mail by leaving the original and necessary copies of the summons with the clerk of  
 9 court, together with the fee prescribed in s. 814.62 (4). The court ~~may by rule~~ shall  
 10 require the use of certified mail with return receipt requested, ~~in which event for all~~  
 11 eviction cases for which service by mail is authorized under sub. (2), and for all other  
 12 cases may by rule require the use of certified mail with return receipt requested.  
 13 Whenever the use of certified mail is required, the additional fee prescribed in s.  
 14 814.62 (4) shall be paid for each defendant. The clerk shall mail a copy to each  
 15 defendant at the last-known address as specified in the summons. Service of the  
 16 summons is considered completed when it is mailed, unless the envelope enclosing  
 17 the summons has been returned unopened to the clerk prior to the return date. All  
 18 mailing of summonses shall be done in envelopes upon which the clerk’s return  
 19 address appears, with a request to return to that address. Service by mail to obtain  
 20 a personal judgment shall be limited to the county where the action is commenced.”.”

✓  
MS  
12-18

21           **7.** Page 5, line 7: after “704.44 (9)” insert “and (10)”.

22           **8.** Page 5, line 22: after that line insert:

23           “23m. Page 20, line 22: after that line insert:

1 ✓ ~~#~~ (7) NOTICE OF PROTECTIONS IN RENTAL AGREEMENTS. The treatment of section  
2 704.14 of the statutes first applies to rental agreements that are entered into or  
3 renewed on the effective date of this subsection.””.

4 (END)

INS  
20-23





State of Wisconsin  
2013 - 2014 LEGISLATURE



LRBa0528/1  
PJK&PJH:sac:ph

SENATE AMENDMENT 1,  
TO SENATE BILL 179

LPS  
&  
Ed-  
# use  
SECTION  
autonumbers  
if  
possible

June 3, 2013 - Offered by Senator LASEE.

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 1: after "landlords," insert "terminating the tenancy of an  
3 offending tenant in a manufactured or mobile home community."

4 2. Page 9, line 4: delete lines 4 to 17 and substitute:

5 "SECTION 10c. 704.05 (5) (b) 2. (intro.) of the statutes is amended to read:

6 704.05 (5) (b) 2. (intro.) If the abandoned tenant removes from the premises and  
7 leaves behind personal property that is a manufactured home, mobile home, or titled  
8 vehicle, before disposing of the abandoned property the landlord shall give notice of  
9 the landlord's intent to dispose of the property by sale or other appropriate means  
10 to all of the following:

11 SECTION 10m. 704.05 (5) (bf) of the statutes is amended to read:

12 704.05 (5) (bf) *Notice that landlord will not store property.* If the landlord does  
13 not intend to store personal property left behind by a tenant who removes from the

INS  
9-18

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✓

1 premises, except as provided in par. (am), the landlord shall provide written notice  
 2 to a tenant, when the tenant enters into, ~~and when the tenant or~~ renews, a rental  
 3 agreement, that the landlord will not store any items of personal property that the  
 4 tenant leaves behind when the tenant removes from the premises, except as provided  
 5 in par. (am). Notwithstanding pars. (a), (am), and (b), if the landlord ~~does not provide~~  
 6 has not provided to a tenant the notice required under this paragraph, the landlord  
 7 shall comply with s. 704.05, 2009 stats., with respect to any personal property left  
 8 behind by the tenant when the tenant removes from the premises”.

9 ~~3.~~ Page 9, line 18: delete lines 18 to 20.

10 ~~4.~~ Page 10, line 16: after that line insert:

11 ~~SECTION 13c.~~ <sup>#</sup> 704.16 (3) (a) of the statutes is renumbered 704.16 (3) (a) (intro.)

12 and amended to read:

13 704.16 (3) (a) (intro.) In this subsection, “offending:

14 4. “Offending tenant” is a tenant whose tenancy is being terminated under this  
 15 subsection.

16 ~~SECTION 13e.~~ <sup>#</sup> 704.16 (3) (a) 1. of the statutes is created to read:

17 704.16 (3) (a) 1. “Community” has the meaning given in s. 710.15 (1) (ad).

18 ~~SECTION 13g.~~ <sup>#</sup> 704.16 (3) (a) 2. of the statutes is created to read:

19 704.16 (3) (a) 2. “Manufactured home” has the meaning given in s. 101.91 (2).

20 ~~SECTION 13j.~~ <sup>#</sup> 704.16 (3) (a) 3. of the statutes is created to read:

21 704.16 (3) (a) 3. “Mobile home” has the meaning given in s. 710.15 (1) (b).

22 ~~SECTION 13m.~~ <sup>#</sup> 704.16 (3) (b) 1. of the statutes is amended to read:

23 704.16 (3) (b) 1. The offending tenant commits one or more acts, including  
 24 verbal threats, that cause another tenant, or a child of that other tenant, who

1 occupies a dwelling unit in the same single-family rental unit, multiunit dwelling,  
2 or apartment complex, or a manufactured home or mobile home in the same  
3 community, as the offending tenant to face an imminent threat of serious physical  
4 harm from the offending tenant if the offending tenant remains on the premises.”.

5 ~~5.~~ Page 11, line 4: delete lines 4 to 9 and substitute:

6 ~~SECTION 15c.~~ 704.28 (4) (b) of the statutes is amended to read:

7 704.28 (4) (b) If the tenant vacates the premises or is evicted before the  
8 termination date of the rental agreement, the date on which the tenant’s rental  
9 agreement terminates or, if the landlord re-rents the premises before the tenant’s  
10 rental agreement terminates, the date on which the new tenant’s tenancy begins.

11 ~~SECTION 15m.~~ 704.28 (4) (c) of the statutes is amended to read:

12 704.28 (4) (c) If the tenant vacates the premises or is evicted after the  
13 termination date of the rental agreement, the date on which the landlord learns that  
14 the tenant has vacated the premises or has been removed from the premises under  
15 s. 799.45 (2).”.

PLAIN

16 ~~6.~~ Page 11, line 14: delete that line and substitute:

17 ~~SECTION 18c.~~ 704.44 (9) of the statutes is amended to read:

18 704.44 (9) Allows the landlord to terminate the tenancy of a tenant if a crime  
19 is committed in or on the rental property, even if the tenant could not reasonably have  
20 prevented the crime in a manner contrary to s.1106.50 (5m) (dm) or 704.16.”.

21 ~~7.~~ Page 11, line 21: after that line insert:

22 ~~SECTION 19m.~~ 710.15 (5t) of the statutes is created to read:

solely criminal  
based solely on criminal activity

that is directed against the tenant and that is not  
committed by the tenant

MS  
11-10

MS  
11-14

MS  
11-27

1 710.15 (5t) TERMINATION OF TENANCY FOR THREAT OF SERIOUS HARM.  
 2 Notwithstanding sub. (5m), nothing in this section prevents termination of a tenancy  
 3 because of an imminent threat of serious physical harm, as provided in s. 704.16.”

4 ✓ 8. Page 12, line 2: delete “14” and substitute “25”.

5 ✓ 9. Page 12, line 9: after “member” insert “as defined in s. 183.0102 (15),  
 6 agent”.

7 ✓ 10. Page 13, line 1: delete “an” and substitute “a residential”.

8 ✓ 11. Page 13, line 2: delete that line and substitute “shall hold and complete  
 9 a court or jury trial of the issue of possession of the premises involved in the action  
 10 within 30 days of the”.

11 ✓ 12. Page 14, line 3: after that line insert:

12 “SECTION ~~27m~~ 799.44 (1) of the statutes is amended to read:

13 799.44 (1) ORDER FOR JUDGMENT. In an eviction action, if the court finds that  
 14 the plaintiff is entitled to possession, the court shall immediately enter an order for  
 15 judgment shall be for the restitution of the premises to the plaintiff and, if. If an  
 16 additional cause of action is joined under s. 799.40 (2) and plaintiff prevails thereon,  
 17 the court shall enter judgment for such other relief as the court orders. Judgment  
 18 shall be entered accordingly as provided in s. 799.24.”.

19 ✓ 13. Page 14, line 6: after “shall” insert “immediately”.

20 ✓ 14. Page 14, line 6: delete “, and” and substitute “, and”.

21 ✓ 15. Page 14, line 7: delete “the writ may be within 5 days and” and substitute  
 22 “the writ may be”.

23 ✓ 16. Page 16, line 11: after “704.05” insert “(5) (a), (am), (c), and (cm)”.

(b),

END  
MS  
11-2

MS  
12-9

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13-2

MS  
14-4

MS  
16-11

1 ✓ **17.** Page 20, line 8: after that line insert:

INS  
20-9

2 “<sup>#</sup>(1m) NOTICE REGARDING NONSTORAGE OF PROPERTY. The treatment of section  
3 704.05 (5) (bf) of the statutes first applies to personal property left behind by a tenant  
4 under a rental agreement that is renewed on the effective date of this subsection.”

5 ✓ **18.** Page 20, line 10: after “(b)” insert “, (c).”

6 ✓ **19.** Page 20, line 14: after that line insert:

7 “<sup>#</sup>(3m) VOID RENTAL AGREEMENT. The treatment of section 704.44 (9) of the  
8 statutes first applies to rental agreements that are entered into or renewed on the  
9 effective date of this subsection.”

and (10)

10 ✓ **20.** Page 20, line 17: after that line insert:

11 “<sup>#</sup>(4m) TERMINATION OF TENANCY IN MANUFACTURED OR MOBILE HOME COMMUNITY.  
12 The treatment of sections 704.16 (3) (b) 1. and 710.15 (5t) of the statutes, the  
13 renumbering and amendment of section 704.16 (3) (a) of the statutes, and the  
14 creation of section 704.16 (3) (a) 1., 2., and 3. of the statutes first apply to acts causing  
15 an imminent threat of serious physical harm committed on the effective date of this  
16 subsection.”

INS  
20-15

17 ✓ **21.** Page 20, line 18: delete “799.05 (3) (b)” and substitute “704.05 (5) (a) 1.,  
18 799.05 (3) (b), 799.06 (2)”.

19 ✓ **22.** Page 20, line 19: after “799.206 (3),” insert “799.40 (1) and (1m).”

20 ✓ **23.** Page 20, line 19: delete “and 799.44 (2)” and substitute “799.44 (2), and  
21 799.45 (title), (1), (2) (b), (bg), and (c), (3) (title), (a), (am) (intro.), 1., 2., 3., 4., 5., 6.,  
22 and 7., (b), and (c), and (4)”.

INS  
20-18

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20-18 A

↑  
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20-19



## Hanaman, Cathlene

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**From:** LRB.Legal  
**Sent:** Thursday, August 29, 2013 2:25 PM  
**To:** Hanaman, Cathlene  
**Subject:** FW: Draft review: LRB s0104/P1 Topic: Miscellaneous landlord/tenant provisions, modifications to provisions enacted last session, and allowing towing of vehicles parked on posted property  
**Attachments:** 13s0104/P1.pdf

Cathlene, Could you take care of this please? Or who did the drafting on this?

Thanks.

---

**From:** Kovach, Robert  
**Sent:** Thursday, August 29, 2013 2:24 PM  
**To:** LRB.Legal  
**Cc:** Larson, Brian  
**Subject:** FW: Draft review: LRB s0104/P1 Topic: Miscellaneous landlord/tenant provisions, modifications to provisions enacted last session, and allowing towing of vehicles parked on posted property

Thank you for the very fast rush of this very large task!

On page 11 lines 9 and 10 please change "a crime committed" to "criminal activity" in order for it to be consistent with the provision above.

Please make it a P2 as we are still working on consensus of one addition provision.

Thank you!

## **Rob Kovach**

Policy Advisor/Committee Clerk  
Office of Senator Frank Lasee  
(608) 266-3512

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**From:** LRB.Legal  
**Sent:** Thursday, August 29, 2013 1:36 PM  
**To:** Sen.Lasee  
**Subject:** Draft review: LRB s0104/P1 Topic: Miscellaneous landlord/tenant provisions, modifications to provisions enacted last session, and allowing towing of vehicles parked on posted property

**Following is the PDF version of draft LRB s0104/P1.**