

Ag 110

STATE OF WISCONSIN            )  
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DEPARTMENT OF AGRICULTURE )

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

I, Donald E. Wilkinson, Secretary of Agriculture, and custodian of the official records of the State of Wisconsin Department of Agriculture, do hereby certify that the annexed order adopting section Ag 110.03 of the rules relating to building and home improvement trade practices, Wis. Adm. Code chapter Ag 110, was duly adopted by this department on August 13, 1970.

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand at Madison, Wisconsin, this 14th day of August, 1970.

  
Secretary of Agriculture

Docket No. 875.

ORDER OF THE DEPARTMENT OF AGRICULTURE  
ADOPTING RULES

Pursuant to authority vested in the Department of Agriculture by section 100.20, Wis. Stats., the Department of Agriculture hereby adopts rules as follows:

Section Ag 110.03 of the Wisconsin administrative code is adopted to read:

Ag 110.03 Claims and defenses of buyers. (1) Every assignee of a home improvement contract under this chapter takes subject to all claims and defenses of the buyer or his successors in interest arising under the contract.

(2) No seller shall enter into any contract subject to this chapter wherein the buyer waives the right to assert against the seller or any assignee any claim or defense he may have against the seller arising under the contract. Any provision in a contract subject to this chapter wherein the buyer agrees to such waiver is void.

(3) No seller shall use any promissory note or instrument, other than a check, subject to this chapter unless it bears the following statement in contrasting bold-faced type: "This is a home improvement instrument and is non-negotiable. Every holder takes subject to all claims and defenses of the maker or obligor."

(4) Every holder or transferee of a negotiable instrument, executed in violation of this chapter, who knew or should have known at the time he acquired the instrument that it was made for home improvements or that the transferor or payee was engaged in

the home improvement business takes subject to all claims and defenses of the maker or obligor.

(5) Claims and defenses of any buyer against an assignee, who has not assumed the obligations of the assignor under the contract, or a transferee under this section shall be limited to amounts paid or owing on the contract, promissory note or other instrument to the assignee or transferee.

The rules contained herein shall take effect October 1, 1970.

Dated: Aug 13, 1970.

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE

By Donald E. Wilbison  
Secretary of Agriculture