



**ASSEMBLY AMENDMENT 20,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 133**

June 29, 1999 – Offered by Representative SCHNEIDER.

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

2 **1.** Page 1139, line 11: after that line insert:

3 “**SECTION 2167t.** 134.73 of the statutes is created to read:

4 **134.73 Telephone solicitation by prisoners. (1) DEFINITIONS.** In this
5 section:

6 (a) “Charitable organization” means an organization that is described in
7 section 501 (c) (3) of the Internal Revenue Code and that is exempt from taxation
8 under section 501 (a) of the Internal Revenue Code.

9 (b) “Correctional facility” means a facility in which a person is incarcerated to
10 serve a sentence imposed for a conviction for a crime.

1 (c) “Telephone solicitation” means the unsolicited initiation of a telephone
2 conversation for the purpose of encouraging a person to purchase property, goods or
3 services or to make a contribution to a charitable organization.

4 (2) PROHIBITIONS. No prisoner in a correctional facility may conduct a telephone
5 solicitation unless the prisoner immediately identifies himself or herself as a
6 prisoner, states his or her name and the name and location of his or her correctional
7 facility and states the name of the person on whose behalf he or she is conducting the
8 telephone solicitation.

9 (3) TERRITORIAL APPLICATION. This section applies to an intrastate telephone
10 solicitation and to an interstate telephone solicitation directed to or received by a
11 person in this state.

12 (4) PENALTY; ENFORCEMENT. (a) A person who violates sub. (2) shall forfeit
13 \$10,000 for each violation.

14 (b) The attorney general and the district attorneys of this state have concurrent
15 authority to institute civil proceedings under this section.

16 (c) 1. In addition to or in lieu of seeking the penalty under par. (a), the attorney
17 general or a district attorney may institute injunctive proceedings to enforce sub. (2).

18 2. A person who violates the terms of an injunction issued under subd. 1. shall
19 forfeit \$10,000 for each violation.”.

20 **2.** Page 1139, line 23: after that line insert:

21 “**SECTION 2170m.** 138.25 of the statutes is created to read:

22 **138.25 Credit card records. (1) DEFINITIONS.** In this section:

23 (a) “Cardholder” has the meaning given in s. 943.41 (1) (b).

24 (b) “Consumer report” has the meaning given in 15 USC 1681a (d).

1 (c) "Consumer reporting agency" has the meaning given in 15 USC 1681a (f).

2 (d) "Financial transaction card" has the meaning given in s. 943.41 (1) (em).

3 **(2) DISCLOSURE PROHIBITED.** Except as provided in sub. (3), a person may not
4 disclose to another person, for money or anything else of value, any information or
5 data about a cardholder who is a resident of this state that is obtained by the person
6 from financial transaction card transaction records.

7 **(3) EXCEPTIONS.** A person may disclose information about a cardholder if any
8 of the following apply:

9 (a) The disclosure is made to a consumer reporting agency for purposes of a
10 consumer report.

11 (b) The disclosure is made to the cardholder.

12 (c) The disclosure is made to or by persons that are affiliated with the issuer
13 of the financial transaction card by common ownership or control solely for the
14 purpose of performing functions for or on behalf of the issuer. The affiliated person
15 may not disclose any information received pursuant to this paragraph to a person
16 other than the issuer, unless the issuer could make the disclosure under this section.

17 (d) If the issuer of the financial transaction card is a retailer, the disclosure is
18 made to or by contractors or agents of the issuer for the purposes of performing
19 functions for or on behalf of the issuer. The contractor or agent may not disclose any
20 information received pursuant to this paragraph to a person other than the issuer,
21 unless the issuer could make the disclosure under this section.

22 **(4) FORFEITURE.** A person who violates sub. (2) may be required to forfeit not
23 more than \$10,000 for each violation. Each disclosure of information or data about
24 one cardholder constitutes a separate violation.

1 (4) “Investigative consumer report” has the meaning given in 15 USC 1681a
2 (e).

3 (5) “Summary of rights” means the information a consumer reporting agency
4 is required to provide under 15 USC 1681g (c).

5 **422.602 Disclosure to individual. (1) IN GENERAL.** A consumer reporting
6 agency shall, upon the written request of an individual, provide the individual with
7 a written disclosure report within 5 business days after receiving the written
8 request.

9 (2) CONTENTS. The written disclosure report provided under sub. (1) shall
10 contain all of the following:

11 (a) A current consumer report pertaining to the individual.

12 (b) The date of each request for credit information pertaining to the individual
13 received by the consumer reporting agency during the 12 months before the date that
14 the consumer reporting agency provides the written disclosure report.

15 (c) The name of each person requesting credit information pertaining to the
16 individual during the 12 months before the date that the consumer reporting agency
17 provides the written disclosure report.

18 (d) The dates, original payees and amounts of any checks upon which any
19 adverse characterization of the consumer is based.

20 (e) Any other information contained in the individual’s file.

21 (f) A clear and concise explanation of the contents of the written disclosure
22 report.

23 (g) A summary of rights.

24 (3) COST. A consumer reporting agency shall provide the written disclosure
25 report required under sub. (1) free of charge, unless the individual has requested a

1 written disclosure report from the consumer reporting agency during the preceding
2 12 months.

3 **422.603 Exceptions.** Notwithstanding s. 422.602 (2), a consumer reporting
4 agency shall not disclose to an individual making a request under s. 422.602 (1) any
5 of the following:

6 (1) The sources of any information that was both acquired solely for use in
7 preparing an investigative consumer report and used for no other purpose.

8 (2) Any credit score or other risk score or predictor relating to the consumer.

9 **422.604 Penalty.** A violation of this subchapter is subject to s. 425.401 (2).

10 **SECTION 2822x.** 425.401 of the statutes is renumbered 425.401 (1).

11 **SECTION 2822z.** 425.401 (2) of the statutes is created to read:

12 425.401 (2) Any person who violates s. 422.602 may be fined not more than
13 \$500 for the first offense and may be fined not more than \$1000 or imprisoned for not
14 more than 6 months or both for each subsequent offense occurring within 6 months.”.

15 **8.** Page 1431, line 11: after that line insert:

16 “**SECTION 3113g.** 895.505 of the statutes is created to read:

17 **895.505 Disposal of records containing personal information. (1)**

18 **DEFINITIONS.** In this section:

19 (a) “Business” means an organization or enterprise operated for profit,
20 including a sole proprietorship, partnership, firm, business trust, joint venture,
21 syndicate, corporation, limited liability company or association.

22 (b) “Personal information” means personally identifiable data about an
23 individual’s medical or financial condition that is not generally considered to be
24 public knowledge.

1 (c) "Personally identifiable" means capable of being associated with a
2 particular individual through one or more identifiers or other information or
3 circumstances.

4 (d) "Record" means any material on which written, drawn, printed, spoken,
5 visual or electromagnetic information is recorded or preserved, regardless of
6 physical form or characteristics.

7 **(2) DISPOSAL OF RECORDS CONTAINING PERSONAL INFORMATION.** A business may not
8 dispose of a record containing personal information unless the business does any of
9 the following:

10 (a) Prior to the disposal of the record, the business shreds, erases or otherwise
11 modifies the record to make the personal information unreadable.

12 (b) The business takes actions that it reasonably believes will ensure that no
13 unauthorized person will have access to the personal information contained in the
14 record for the period between the record's disposal and the record's destruction.

15 **(3) CAUSE OF ACTION.** Notwithstanding s. 814.04 (1), a business that violates
16 sub. (2) is liable to any person damaged by the violation for the amount of damages
17 and for reasonable attorney fees."

18 **9.** Page 1431, line 12: before that line insert:

19 **"SECTION 3113r.** 895.507 of the statutes is created to read:

20 **895.507 Sale or lease of personal information. (1) DEFINITIONS.** In this
21 section:

22 (a) "Business" has the meaning given in s. 895.505 (1) (a).

23 (b) "Personal information" has the meaning given in s. 895.505 (1) (b).

24 (c) "Personally identifiable" has the meaning given in s. 895.505 (1) (c).

1 (d) “Record” has the meaning given in s. 895.505 (1) (d).

2 (2) PROHIBITED ACTIVITIES. No business may sell or lease to any person a record
3 that contains an individual’s name or personally identifiable information if the
4 individual to whom the name or information relates has requested the business to
5 refrain from selling, leasing or renting the name or information.”.

6 **10.** Page 1604, line 1: before that line insert:

7 “(5b) DISPOSAL OF PERSONAL INFORMATION. The treatment of section 895.505 of
8 the statutes first applies to records disposed on the effective date of this subsection.

9 (5bc) SALE OR LEASE OF PERSONAL INFORMATION. The treatment of section 895.507
10 of the statutes first applies to the sale or lease of records on the effective date of this
11 subsection.

12 (5bd) DISCLOSURE OF CREDIT CARD RECORDS. The treatment of section 138.25 of
13 the statutes first applies to disclosures of information or data on the effective date
14 of this subsection.

15 (5be) CONSUMER REPORTING AGENCIES. The treatment of subchapter VI of
16 chapter 422 of the statutes first applies to requests for reports made on the effective
17 date of this subsection.”.

18 **11.** Page 1617, line 16: after that line insert:

19 “(5d) DISPOSAL OF PERSONAL INFORMATION. The treatment of section 895.505 of
20 the statutes and the treatment of SECTION 9358 (5b) of this act takes effect on the first
21 day of the 4th month beginning after publication.”.

22 (END)