



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBa0043/2
RKN&RPN;jlg:ijs

**ASSEMBLY AMENDMENT 3,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 51**

January 26, 1999 - Offered by Representatives SCHNEIDER, KREUSER, GRONEMUS,
WILLIAMS, CULLEN and BOCK.

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

2 **1.** Page 1, line 12: after "problems;" insert "untrue, deceptive or misleading
3 statements in connection with the ability of an electronic computing device to
4 process, transmit or receive data from, into and between the 20th and 21st
5 centuries, and during the years 1999 and 2000, and from leap year calculations;".

6 **2.** Page 5, line 12: after that line insert:

7 "SECTION 6m. 100.261 of the statutes is created to read:

8 **100.261 Year 2000 readiness. (1) DEFINITIONS.** In this section:

9 (a) "Electronic computing device" means any computer hardware or software,
10 computer chip, embedded chip, process control equipment, or other information
11 system used to capture, store, manipulate, or process information, or that controls,

1 monitors, or assists in the operation of physical apparatus that relies on automation
2 or digital technology to function.

3 (b) “Process” includes calculate, compare, sequence, display and store.

4 (c) “Year 2000 readiness” means the ability to process, transmit or receive date
5 data from, into and between the 20th and 21st centuries, and during the years 1999
6 and 2000, and from leap year calculations.

7 **(2) ADVERTISING AND SALES REPRESENTATIONS.** A person may not make any
8 statement or representation with regard to the year 2000 readiness of an electronic
9 computing device which is false, misleading or deceptive, or which omits material
10 information with respect to the year 2000 readiness of an electronic computing
11 device that is necessary to make the statement not false, misleading or deceptive.
12 For the purpose of this subsection, it is false, misleading or deceptive to state or
13 represent that an electronic computing device is able to process, transmit or receive
14 date data from, into and between the 20th and 21st centuries and during the years
15 1999 and 2000, and from leap year calculations if the electronic computing device
16 cannot do so without modification or alteration.

17 **(3) INFORMATION ON YEAR 2000 READINESS.** The department may request
18 information about the year 2000 readiness of an electronic computing device from
19 any person who sells or offers to sell or who has ever sold or offered to sell an
20 electronic computing device to a person in this state.

21 **(4) REMEDIES AND PENALTIES.** (a) 1. If a person makes a statement or
22 representation in violation of sub. (2), any other person adversely affected by that
23 violation has a claim for appropriate relief, including not less than \$500 nor more
24 than twice the amount of damages, injunctive or declaratory relief, specific
25 performance and rescission.

1 2. If a person fails to respond to an information request about the year 2000
2 readiness of an electronic computing device by the department under sub. (3) or if the
3 person provides information to the department in response to a request about the
4 year 2000 readiness of an electronic computing device under sub. (3) that is false,
5 misleading or deceptive, then any person adversely affected by the failure of that
6 electronic computing device to process, transmit or receive data from, into and
7 between the 20th and 21st centuries and during the years 1999 and 2000, and from
8 leap year calculations has a claim for appropriate relief, including not less than \$500
9 nor more than twice the amount of damages, injunctive or declaratory relief, specific
10 performance and rescission against the person who failed to respond to the
11 department's request or gave the department false, misleading or deceptive
12 information.

13 3. A person who is entitled to relief under subd. 1. or 2. is also entitled to recover
14 costs and disbursements, including reasonable attorney fees.

15 (b) 1. The department of agriculture, trade and consumer protection may
16 request the department of justice to commence, or any district attorney, upon
17 informing the department of agriculture, trade and consumer protection, may
18 commence, an action in circuit court in the name of the state to restrain by temporary
19 or permanent injunction any violation of sub. (2). In addition to injunctive relief, the
20 court may award any person twice the amount of any damages suffered because of
21 a violation of sub. (2).

22 2. The department may exercise its authority under ss. 93.14 to 93.16 and
23 100.18 (11) (c) to administer this section. The department may subpoena persons and
24 require the production of books and other documents in a timely manner.

1 (c) Any person who violates sub. (2) or who fails to respond to an information
2 request made by the department under sub. (3) or who provides information to the
3 department in response to a request made under sub. (3) that is false, misleading or
4 deceptive shall forfeit not less than \$100 nor more than \$10,000 for each offense.

5 (d) This section does not preempt the administration or enforcement of this
6 chapter or ch. 133. Practices in violation of this section may also constitute unfair
7 methods of competition or unfair trade practices under s. 100.20 (1) or (1t) or
8 fraudulent representations under s. 100.18 (1) or violate ch. 133.”.

9 **3.** Page 8, line 13: after that line insert:

10 “**SECTION 10m.** 814.04 (intro.) of the statutes is amended to read:

11 **814.04 Items of costs.** (intro.) Except as provided in ss. 93.20, 100.30 (5m),
12 106.04 (6) (i) and (6m) (a), 100.261 (4) (a) 3., 115.80 (9), 769.313, 814.025, 814.245,
13 895.035 (4), 895.75 (3), 895.77 (2), 895.79 (3), 895.80 (3), 943.212 (2) (b), 943.245 (2)
14 (d) and 943.51 (2) (b), when allowed, costs shall be as follows:”.

15 (END)