



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBa1281/1
MDK:wlj:jf

**SENATE AMENDMENT 3,
TO 2005 SENATE BILL 268**

November 1, 2005 – Offered by Senator GROTHMAN.

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

2 **1.** Page 30, line 12: delete lines 12 to 17.

3 **2.** Page 32, line 5: delete the material beginning with that line and ending with
4 page 33, line 7.

5 **3.** Page 36, line 16: after that line insert:

6 “**SECTION 34e.** 425.202 (title) of the statutes is repealed and recreated to read:

7 **425.202** (title) **Definitions.**

8 **SECTION 34m.** 425.202 of the statutes is renumbered 425.202 (1).

9 **SECTION 34s.** 425.202 (2) of the statutes is created to read:

10 425.202 (2) In this subchapter:

11 (a) “Consumer credit sale” has the meaning given in s. 421.301 (9), except that

12 “consumer credit sale” includes a rental–purchase agreement.

1 (b) “Consumer credit transaction” has the meaning given in s. 421.301 (10),
2 except that “consumer credit transaction” includes a rental–purchase agreement.

3 (c) “Consumer lease” has the meaning given in s. 421.301 (11), except that
4 “consumer lease” includes a rental–purchase agreement.

5 (d) “Consumer loan” has the meaning given in s. 421.301 (12), except that
6 “consumer loan” includes a transaction relating to a rental–purchase agreement.

7 (e) “Goods” has the meaning given in s. 421.301 (21), except that “goods”
8 includes any goods under a rental–purchase agreement.

9 (f) “Security interest” has the meaning given in s. 421.301 (40), except that
10 “security interest” includes an interest in any property relating to a rental–purchase
11 agreement.”.

12 **4.** Page 40, line 7: after that line insert:

13 “**SECTION 51m.** 427.105 (2) of the statutes is amended to read:

14 427.105 (2) If a customer establishes that the customer was induced to
15 surrender collateral (s. 425.202 (1)) by conduct of the merchant which violates this
16 chapter, the customer shall be entitled to a determination of the right to possession
17 of the collateral pursuant to s. 425.205 (1) (e) in any action brought under this
18 subchapter, and if the customer prevails on such issue, in addition to any other
19 damages under this subchapter, the customer shall be entitled to recover possession
20 of the collateral if still in the merchant’s possession, together with actual damages
21 for the customer’s loss of use of the collateral.”.

22 (END)