



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-0809/1
ARG:emw:rs

DOA:.....Wimmer, BB0272 - Mandatory electronic filing for DFI

FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
COMMERCE AND ECONOMIC DEVELOPMENT
BUSINESS ORGANIZATIONS AND FINANCIAL INSTITUTIONS

Under current law, DFI receives for filing or other purposes many types of documents, including license applications, articles of incorporation, financing statements perfecting security interests in goods, and state trademark registrations.

Under this bill, DFI may require that any filing with DFI be made electronically. Under the bill, a filing includes the submission to DFI of any form, instrument, application, report, notice, or other information required or permitted to be submitted to DFI for retention in DFI's records. If DFI requires electronic filing, DFI may also require that any fee associated with the filing be paid using a suitable method. However, DFI may waive these requirements if: 1) the person affected by the requirement makes a written request for a waiver and clearly states in the request why the requirement causes the person undue hardship; and 2) DFI determines that the requirement, if imposed on the person, would cause the person undue hardship.

For further information see the *state* 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:

SECTION 1. 224.30 (5) of the statutes is created to read:

224.30 (5) ELECTRONIC FILING. (a) In this subsection, “filing” means the submission to the department of any form, instrument, application, report, notice, or other information required or permitted to be submitted to the department for retention in the department’s records.

(b) Subject to par. (c), the department may require any filing to be made electronically in a manner prescribed by the department. Subject to par. (c), if the department requires that a filing be made electronically, the department may require that any fee associated with the filing be paid using a suitable method prescribed by the department.

****NOTE: Many filings with DFI require payment of a fee. The second sentence of this provision allows DFI to require that fees be paid in a manner consistent with the electronic filing, such as by electronic fund transfer or prior deposit of funds with DFI.

(c) The department may waive any requirement imposed under par. (b) if all of the following apply:

1. The person affected by the requirement makes a written request to the department, in a manner prescribed by the department, that the requirement be waived and clearly states in the request why the requirement causes the person undue hardship.

2. The department determines, in its discretion, that the requirement, if imposed on the person, would cause the person undue hardship.

(END)