

State of Misconsin 2013 - 2014 LEGISLATURE



2013 ASSEMBLY BILL 851

March 7, 2014 – Introduced by LAW REVISION COMMITTEE. Referred to Committee on Judiciary.

1 AN ACT *to amend* 100.65 (3) (b) of the statutes; **relating to:** form required for 2 certain residential repair or construction contracts (suggested as remedial 3 legislation by the Legislative Reference Bureau).

Analysis by the Legislative Reference Bureau

Current law allows consumers to cancel certain contracts for repairs or construction of one-family or two-family dwellings under specified circumstances. If work under the contract is to be paid under a property insurance policy and the insurer wholly or partially denies the consumer's claim, current law allows the consumer to cancel the contract if he or she provides a cancellation notice to the contractor before a specified deadline. Subject to an exception that applies if the contractor has performed emergency services, current law requires the contractor to return to the consumer any payments and other items within 10 days after receiving the cancellation notice. However, current law also requires the contractor to provide the consumer with a form before entering into the contract, and that form includes a statement that the contractor must return payments within 10 business days, rather than 10 days, after receiving a cancellation notice. This bill revises the form so that it refers to 10 days instead of 10 business days.

For further information, see the NOTE provided by the Law Revision Committee of the Joint Legislative Council.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

ASSEMBLY BILL 851

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Legislative Reference Bureau and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 SECTION 1. 100.65 (3) (b) of the statutes, as created by 2013 Wisconsin Act 24,

2 is amended to read:

3 100.65 (3) (b) Furnish the consumer a completed form in duplicate that is 4 attached to the contract, is easily detachable, and contains, in boldface type of a 5 minimum size of 10 point, the following statement:

6 NOTICE OF CANCELLATION

7 If you are notified by your insurer that the claim under the property insurance 8 policy has been denied in whole or in part, you may cancel the contract by personal 9 delivery or by mailing by 1st class mail a signed and dated copy of this cancellation 10 notice or other written notice to (name of contractor) at (contractor's business 11 address) at any time before midnight on the third business day after you have received the notice from your insurer. If you cancel the contract, any payments made 1213by you under the contract, except for certain emergency work already performed by 14 the contractor, will be returned to you within 10 business days following receipt by 15the contractor of your cancellation notice.

- 16 I CANCEL THIS CONTRACT
- 17 Date

18 Customer's signature

Note: Corrects the form so that it is consistent with s. 100.65 (6), which requires the return to be made within 10 days.

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(END)