



2019 SENATE BILL 292

June 21, 2019 - Introduced by Senators LEMAHIEU, HANSEN, MARKLEIN, NASS and WIRCH, cosponsored by Representatives TITTL, VORPAGEL, KATZMA, SKOWRONSKI and STEFFEN. Referred to Committee on Government Operations, Technology and Consumer Protection.

1 **AN ACT** *to repeal* 100.171 (3) (f) 1.; *to amend* 100.171 (3) (b) 1., 100.171 (3) (b)
2 2. and 100.171 (3) (d); and *to create* 100.171 (5m) of the statutes; **relating to:**
3 notices of eligibility to receive a prize.

Analysis by the Legislative Reference Bureau

This bill eliminates several requirements and prohibitions that apply to a person who represents that an individual has been selected or may be eligible to receive a prize. Under current law, a person who represents to an individual that the individual has been selected or may be eligible to receive a prize is prohibited from requesting or accepting payment from the individual before the individual receives a written prize notice that contains certain information, such as the verifiable retail value of the prize, the odds of receiving the prize, and a description of any requirement for the individual to view or hear a sales presentation in order to claim the prize. This bill exempts a person who represents that a uniform prize will be delivered to each individual who responds and satisfies conditions described in the representation from that prohibition and those requirements.

The bill also makes the following changes regarding prize notices:

1. Eliminates the prohibition under current law against placing on an envelope containing a prize notice a representation that the addressee of the envelope has been selected or may be eligible to receive a prize.
2. Provides that the verifiable retail value of a prize and the odds of receiving a prize must be stated on the first page of a prize notice. Current law requires the verifiable retail value and odds of receiving a prize to be stated in the immediate proximity of each place that the prize appears throughout a prize notice.

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3. Eliminates the requirement under current law that the odds of receiving a prize be stated in the form of the number of prizes awarded out of the total number of prize notices distributed.

4. Also eliminates the requirement that a description of a restriction that applies to a prize and a description of a limitation on eligibility for a prize be stated by using boldface type in a prize notice.

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

1 **SECTION 1.** 100.171 (3) (b) 1. of the statutes is amended to read:

2 100.171 **(3)** (b) 1. The verifiable retail value and the statement of odds required
3 in a written prize notice under par. (a) 2. and 3. shall be stated ~~in immediate~~
4 ~~proximity to each listing of the prize in each place the prize appears on the written~~
5 ~~prize notice and shall be in the same size and boldness of type as the prize on the first~~
6 ~~page of the prize notice in not less than 10-point type.~~

7 **SECTION 2.** 100.171 (3) (b) 2. of the statutes is amended to read:

8 100.171 **(3)** (b) 2. The statement of odds shall include, for each prize, the total
9 number of prizes to be given away and the total number of written prize notices to
10 be delivered. The number of prizes and written prize notices shall be stated in Arabic
11 numerals. ~~The statement of odds shall be in the following form: “.... (number of~~
12 ~~prizes) out of.... written prize notices”.~~

13 **SECTION 3.** 100.171 (3) (d) of the statutes is amended to read:

14 100.171 **(3)** (d) The information required in a written prize notice under par.
15 (a) 4. shall be on the first page of the written prize notice in not less than 10-point
16 boldface type. The information required under par. (a) 6. and 7. shall be in not less
17 than 10-point boldface type.

18 **SECTION 4.** 100.171 (3) (f) 1. of the statutes is repealed.

19 **SECTION 5.** 100.171 (5m) of the statutes is created to read:

