CHAPTER 427
CONSUMER TRANSACTIONS — DEBT COLLECTION

427.101 Short title. This chapter shall be known and may be
cited as Wisconsin consumer act — debt collection.
History: 1971 c. 239.

427.102 Scope. This chapter applies to conduct and practices
in connection with the collection of obligations arising from con-
sumer transactions, including transactions that are primarily for
an agricultural purpose.
History: 1971 c. 239; 1997 a. 302.

427.103 Definitions: “claim”; “debt collection”; “debt collector”. (1) “Claim” means any obligation or alleged obli-
gation arising from a consumer credit transaction or other
transaction that is primarily for an agricultural purpose.
(2) “Debt collection” means any action, conduct or practice of
soliciting claims for collection or in the collection of claims owed
or due or alleged to be owed or due a merchant by a customer.
(3) “Debt collector” means any person engaging, directly or
indirectly, in debt collection, and includes any person who sells,
or offers to sell, forms represented to be a collection system,
device or scheme, intended or calculated to be used to collect
claims. The term does not include a printing company engaging
in the printing and sale of forms.
History: 1971 c. 239; 1997 a. 302.

427.104 Prohibited practices. (1) In attempting to collect
an alleged debt arising from a consumer credit transaction or other
consumer transaction, including a transaction primarily for an
agricultural purpose, where there is an agreement to defer pay-
ment, a debt collector may not:
(a) Use or threaten force or violence to cause physical harm to
the customer or the customer’s dependents or property;
(b) Threaten criminal prosecution;
(c) Disclose or threaten to disclose information adversely
affecting the customer’s reputation for credit worthiness with
knowledge or reason to know that the information is false;
(d) Initiate or threaten to initiate communication with the cus-
tomer’s employer prior to obtaining final judgment against the
customer, except as permitted by statute including specifically s.
422.404, but this paragraph does not prohibit a debt collector from
communicating with the customer’s employer solely to verify
employment status or earnings or where an employer has an estab-
lished debt counseling service or procedure;
(e) Disclose or threaten to disclose to a person other than the
customer or the customer’s spouse information affecting the cus-
tomer’s reputation, whether or not for credit worthiness, with
knowledge or reason to know that the other person does not have
a legitimate business need for the information, but this paragraph
does not prohibit the disclosure to another person of information
permitted to be disclosed to that person by statute;
(f) Disclose or threaten to disclose information concerning the
existence of a debt known to be reasonably disputed by the cus-
tomer without disclosing the fact that the customer disputes the
debt;
(g) Communicate with the customer or a person related to the
customer with such frequency or at such unusual hours or in such
a manner as can reasonably be expected to threaten or harass the
customer;
(h) Engage in other conduct which can reasonably be expected
to threaten or harass the customer or a person related to the cus-
tomer;
(i) Use obscene or threatening language in communicating with
the customer or a person related to the customer;
(j) Claim, or attempt or threaten to enforce a right with knowl-
edge or reason to know that the right does not exist;
(k) Use a communication which simulates legal or judicial pro-
cess or which gives the appearance of being authorized, issued or
approved by a government, governmental agency or attorney-at-
law when it is not;
(L) Threaten action against the customer unless like action is
taken in regular course or is intended with respect to the particular
debt; or
(m) Engage in conduct in violation of a rule adopted by the
administrator after like conduct has been restrained or enjoined by
a court in a civil action by the administrator against any person
pursuant to the provisions on injunctions against false, misleading,
deceptive or unconscionable agreements or conduct (ss.
426.109 and 426.110).
(2) If a debt collector is not otherwise in violation of sub. (1) (j)
with respect to a consumer credit transaction with a debtor, it is
not a violation of this section to send a billing statement or other
notice of account to, or to collect the amount due on the account
from, the spouse of that debtor, if notice to the debtor’s spouse is
provided under s. 766.56.
Sixty-nine calls to debtor over a 19-month period was not harassment. Associates
A circuit court is competent to hear state consumer act claims based upon a credi-
tor’s violation of federal bankruptcy debt collection prohibitions. Gonzales v.
AM Community Credit Union, 150 Wis. 2d 773, 442 N.W.2d 536 (App. 1989).
A replevin action is an attempt to collect a debt under this section. Kett v. Commu-
nity Credit Plan, Inc. 228 Wis. 2d 1, 596 N.W.2d 786 (Ct. App. 1998), 97−3620.
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Sub. (1) (f) requires a bank that discloses a disputed debt to a credit bureau to dis-
close the disputed status of the debt each time that the debt is reported and not just
3d 385, 623 N.W.2d 151, 98−3174.
When the parties’ contract plainly required the defendant to obtain a replevin judg-
ment before reposessing a car, and it was undisputed that the defendant did not obtain
that judgment, the defendant violated sub. (1) (j) by filing a deficiency action because
it knew or had reason to know that it had no right to the deficiency. Kirk v. Credit
Acceptance Corporation, 2013 WI App 32, 346 Wis. 2d 635, 829 N.W.2d 522,
10−2573.
The defendant violated sub. (1) (j) when it attempted to collect debts under a false
Serving a garnishment form on the wrong person cannot reasonably be construed
as a violation of sub. (1) (j). Whitehead v. Discover Bank, 221 F. Supp. 3d 1055
(2016).
Police agencies and district attorneys are not prohibited by sub. (1) (b) from send-
ing letters threatening criminal prosecution to persons who have issued worthless

427.105 Remedies. (1) A person injured by violation of this
chapter may recover actual damages and the penalty provided in
s. 425.304; but notwithstanding any other law actual damages
shall include damages caused by emotional distress or mental
anguish with or without accompanying physical injury prox-
imately caused by a violation of this chapter.
(2) If a customer establishes that the customer was induced to
surrender collateral, as defined in s. 425.202 (1), by conduct of the
merchant which violates this chapter, the customer shall be enti-

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427.105 Remedies.
427.105  DEBT COLLECTION

...tled to a determination of the right to possession of the collateral pursuant to s. 425.205 (1) (e) in any action brought under this subchapter, and if the customer prevails on such issue, in addition to any other damages under this subchapter, the customer shall be entitled to recover possession of the collateral if still in the merchant’s possession, together with actual damages for the customer’s loss of use of the collateral.


Sub. (1) does not restrict recovery to persons who are customers under s. 421.301 (17). Zehetner v. Chrysler Financial Company, LLC, 2004 WI App 80, 272 Wis. 2d 628, 679 N.W.2d 919, 03–1473.