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.

427.102 Scope. This chapter applies to conduct and practices in connection with the collection of obligations arising from consumer transactions, including transactions that are primarily for an agricultural purpose.

427.103 Definitions: “claim”; “debt collection”; “debt collector”. (1) “Claim” means any obligation or alleged obligation arising from a consumer transaction, including a transaction that is primarily for an agricultural purpose.

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 payment, 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 customer’s employer prior to obtaining final judgment against the customer, except as permitted by statute including specifically s. 427.103.

(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.

(4) Engage in conduct in violation of a rule adopted by the Wisconsin Consumer Protection Board.

427.104A Remedies.

427.104C Actions for violation of 427.104.

427.104D Notice and demands.

427.104E Remedies.

427.104F Damages.

427.105 Remedies.

427.106 Actions for violation of 427.106A.

427.107 Actions for violation of 427.104A.

427.108 Actions for violation of 427.106C.

427.109 Actions for violation of 427.104.

427.110 Actions for violation of 427.106A.

427.111 Actions for violation of 427.104A.

427.112 Actions for violation of 427.106B.

427.113 Actions for violation of 427.104.

427.114 Actions for violation of 427.106A.

427.115 Actions for violation of 427.104A.

427.116 Actions for violation of 427.106B.

427.117 Actions for violation of 427.104.

427.118 Actions for violation of 427.106A.

427.119 Actions for violation of 427.104A.

427.120 Actions for violation of 427.106B.

427.121 Actions for violation of 427.104.

427.122 Actions for violation of 427.106A.
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 proximately 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 entitled 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. (3) does not restrict recovery to persons who are customers under s. 421.301 (17). Zehetner v. Chrysler Financial Co., 2004 WI App 80, 272 Wis. 2d 628, 679 N.W.2d 919, 03–1473.