

Chapter ATCP 121

REFERRAL SELLING PLANS

ATCP 121.01 Definitions.

ATCP 121.02 Prohibition.

Note: Chapter Ag 121 was renumbered chapter ATCP 121 under s. 13.93 (2m) (b) 1., Stats., Register, April, 1993, No. 448.

Note: This chapter is adopted under authority of s. 100.20 (2), Stats., and is administered by the Wisconsin department of agriculture, trade and consumer protection. Violations of this chapter may be prosecuted under s. 100.20 (6), 100.26 (3) or (6), Stats. A person who suffers a monetary loss because of a violation of this chapter may sue the violator directly under s. 100.20 (5), Stats., and may recover twice the amount of the loss, together with costs and reasonable attorneys' fees.

ATCP 121.01 Definitions. (1) "Compensation" means anything of value, including commissions, fees, money, credits, discounts, rebates, premiums, goods, or any other kind of property and services.

(2) "Consumer sale" means a sale or lease of goods, services, or an interest in land primarily for personal, family, or household use.

(3) "Referral selling plan" means any method of sale where the seller or lessor, as an inducement for a consumer sale, offers

compensation to a prospective buyer or lessee either for a) names of other prospective buyers or lessees, or b) otherwise aiding the seller or lessor in making consumer sales.

(4) "Seller" or "lessor" means individuals, corporations, partnerships, or any other organization, but does not include banks, savings and loan associations, insurance companies or public utilities to the extent exempted from department regulation under s. 93.01 (1m), Stats.

History: Cr. Register, December, 1968, No. 156, eff. 1-1-69; am. (4), Register, June, 1999, No. 522, eff. 7-1-99.

ATCP 121.02 Prohibition. No seller or lessor may use any referral selling plan to make a consumer sale unless the seller or lessor first gives the buyer or lessee the full amount of potential compensation offered to that buyer or lessee under that plan.

History: Cr. Register, December, 1968, No. 156, eff. 1-1-69; **CR 01-028: am. Register, September 2001 No. 549, eff. 10-1-01.**