



State of Wisconsin
2005 - 2006 LEGISLATURE

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**SENATE AMENDMENT 4,
TO 2005 SENATE BILL 268**

November 1, 2005 – Offered by Senator GROTHMAN.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 30, line 17: after “agreement.” insert “This subsection does not apply
3 to rental property rented under rental–purchase agreements that are in effect for
4 more than 2 months.”.

5 **2.** Page 33, line 7: after that line insert:

6 “(3) APPLICABILITY. This section does not apply to rental property rented under
7 rental–purchase agreements that are in effect for more than 2 months.”.

8 **3.** Page 36, line 16: after that line insert:

9 “SECTION 34d. 425.201 of the statutes is amended to read:

10 **425.201 Scope.** This subchapter applies to the enforcement by a creditor of
11 security interests in collateral, except for collateral that consists of rental property
12 rented under rental–purchase agreements that are in effect for 2 months or less.

13 **SECTION 34n.** 425.202 (title) of the statutes is repealed and recreated to read:

1 **425.202** (title) **Definitions.**

2 **SECTION 34p.** 425.202 of the statutes is renumbered 425.202 (1).

3 **SECTION 34t.** 425.202 (2) of the statutes is created to read:

4 425.202 **(2)** In this subchapter:

5 (a) “Consumer credit sale” has the meaning given in s. 421.301 (9), except that
6 “consumer credit sale” includes a rental–purchase agreement.

7 (b) “Consumer credit transaction” has the meaning given in s. 421.301 (10),
8 except that “consumer credit transaction” includes a rental–purchase agreement.

9 (c) “Consumer lease” has the meaning given in s. 421.301 (11), except that
10 “consumer lease” includes a rental–purchase agreement.

11 (d) “Consumer loan” has the meaning given in s. 421.301 (12), except that
12 “consumer loan” includes a transaction relating to a rental–purchase agreement.

13 (e) “Goods” has the meaning given in s. 421.301 (21), except that “goods”
14 includes any goods under a rental–purchase agreement.

15 (f) “Security interest” has the meaning given in s. 421.301 (40), except that
16 “security interest” includes an interest in any property relating to a rental–purchase
17 agreement.”.

18 **4.** Page 40, line 7: after that line insert:

19 “**SECTION 51m.** 427.105 (2) of the statutes is amended to read:

20 427.105 **(2)** If a customer establishes that the customer was induced to
21 surrender collateral (s. 425.202 (1)) by conduct of the merchant which violates this
22 chapter, the customer shall be entitled to a determination of the right to possession
23 of the collateral pursuant to s. 425.205 (1) (e) in any action brought under this
24 subchapter, and if the customer prevails on such issue, in addition to any other

1 damages under this subchapter, the customer shall be entitled to recover possession
2 of the collateral if still in the merchant's possession, together with actual damages
3 for the customer's loss of use of the collateral.”

4 (END)