



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 131**

April 21, 2009 – Offered by COMMITTEE ON JUDICIARY AND ETHICS.

1 **AN ACT** *to amend* 425.109 (1) (intro.) of the statutes; **relating to:** pleading
2 requirements for consumer credit actions under the Wisconsin Consumer Act.

Analysis by the Legislative Reference Bureau

Under current law, a consumer credit transaction in which the amount financed is \$25,000 or less, and which is entered into for personal, family, or household purposes, is generally subject to the Wisconsin Consumer Act (WCA). The WCA includes requirements for a creditor to satisfy to enforce rights arising from a consumer credit transaction that is subject to the WCA, including pleading requirements for a complaint filed by a creditor to enforce such rights. In *Rsidue, L.L.C. v. Michaud*, 2006 WI App 164, 295 Wis. 2d 585, 721 N.W. 2d 718, the Wisconsin Court of Appeals held that because the WCA does not refer to an assignee of a creditor, the pleading requirements do not apply to an assignee.

This substitute amendment amends the WCA to specify that the pleading requirements do apply to an assignee of a creditor, as well as any other person seeking to enforce a cause of action arising under such a transaction.

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

3 **SECTION 1.** 425.109 (1) (intro.) of the statutes is amended to read:

