



NANCY VANDERMEER

STATE REPRESENTATIVE • 70TH ASSEMBLY DISTRICT

TO: Honorable Members of the Assembly Committee on Committee on Consumer Protection

FROM: State Representative Nancy VanderMeer

DATE: January 5, 2016

SUBJECT: Testimony in Support of AB 610

Thank you Chairman Krug and fellow members of the Assembly Committee on Consumer Protection for holding a hearing on Assembly Bill 610 today. As the author of this legislation, along with Senator Wanggaard, I am pleased to testify before you and to take any questions that committee members may have.

Assembly Bill 610 would allow courts to impose a more fitting penalty for crimes against the elderly or disabled. At the request the Wisconsin Department of Agriculture, Trade and Consumer Protection, this legislation will add specific crimes to the already existing list of conditions under which a court may impose such a supplemental forfeiture.

Current law allows penalty enhancers for some crimes perpetrated against the elderly or disabled already, but not including laws relating to the following: future service plans, rental vehicles, self-service storage facilities, time shares, foreclosure consultants, prize notices, mail-order sales, unfair billing, vehicle protection product warranties, video subscriber rights, solicitations of public record fees, contract solicitations using checks or money orders, telephone solicitations, telephone records, consumer loan information, tax preparer client information, and residential contractors.

Under certain conditions, the bill will allow a court to impose a supplement forfeiture for violations of the foregoing that are perpetrated against the elderly or disabled. This will help protect and shield Wisconsin's most vulnerable citizens.

In closing, I ask that you join Senator Wanggaard and myself in support of this legislation. Thank you for the opportunity to testify here today, I would be happy to answer any questions you may have at this time.



Van H. Wanggaard

Wisconsin State Senator

TESTIMONY ON ASSEMBLY BILL 610

Thank you Mr. Chairman and committee members, for this hearing on Assembly Bill 610. This is a bi-partisan bill that would update consumer protection laws to better protect elderly and disabled individuals in our state. This legislation is being brought forward by request from the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP).

It is a sad reality that criminals often prey on seniors and vulnerable individuals, believing they are easy targets. According to the Federal Trade Commission, fraud complaints from individuals 60 and older rose at least 47 percent between 2012 and 2014. Unfortunately, as the general population ages, this trend is expected to continue.

While many consumer protection laws administered by DATCP currently allow an enhanced penalty for violations against the elderly and disabled, the list of violations is not comprehensive. To better protect these individuals, Assembly Bill 610 adds timeshares, future service plans, marketing; trade practices, rental cars, self-service storage facilities and foreclosure consultants to the list of laws for which the court may impose a supplemental forfeiture.

Taking advantage of the elderly and disabled is reprehensible, and as legislators we should seek to protect those that need it most. As criminals find new ways to target these individuals, it is important to update our laws to reflect those crimes. Assembly Bill 610 makes those necessary updates and allows courts to impose a more fitting penalty for these crimes in order to help shield Wisconsin's elderly and disabled citizens from harm. Again, thank you for hearing this important bill; I urge quick passage.

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State of Wisconsin
Governor Scott Walker

Department of Agriculture, Trade and Consumer Protection
Ben Brancel, Secretary

Assembly Committee on Consumer Protection
2015 AB 610
Frank Frassetto, Administrator
Division of Trade and Consumer Protection
January 5, 2016

I am testifying in support of AB 610 -- relating to: supplemental forfeitures for trade and consumer protection violations perpetrated against the elderly and disabled and providing a penalty.

Current Situation

- While DATCP does not track the age of complainants, the Federal Trade Commission reports fraud complaints from individuals 60 and older rose at least 47 percent between 2012 and 2014.
- Criminals often target seniors and vulnerable individuals, believing them to be easy targets.
- As the general population ages, this trend is expected to continue.

AB 610 expands the types of offenses that are eligible for penalty enhancers

- This bill adds timeshares, future service plans, marketing; trade practices, rental cars, self-service storage facilities and foreclosure consultants to the list of laws for which the court may impose a supplemental forfeiture.
- This bill includes the consumer protection complaint statutes where the elderly and disabled are most at risk.
- A person who violates the prohibitions in the bill is subject to a supplemental forfeiture not to exceed \$10,000 for that violation.
- There is no federal counterpart to this bill.

Impact on DATCP

- Since the bill does not create any new areas of enforcement, the actual workload for DATCP staff would not change.
- The State defines these fines and forfeitures in statute; therefore, additional rulemaking will not be required.

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