



2009 ASSEMBLY BILL 202

April 9, 2009 – Introduced by Representatives CULLEN, COLON, MOLEPSKE JR. and A. WILLIAMS, cosponsored by Senators RISSER and TAYLOR. Referred to Committee on Jobs, the Economy and Small Business.

1 **AN ACT** *to repeal* 401.105 (2) (c) and chapter 406; and *to amend* 402.403 (4),
2 452.09 (3) (a), 480.08 (2m) (intro.) and 480.14 (4) of the statutes; **relating to:**
3 bulk transfers of inventory.

Analysis by the Legislative Reference Bureau

Under current law, the bulk transfer provisions of the Uniform Commercial Code (UCC) generally require a business enterprise to give creditors notice before any transfer of a major part of the value of the business's inventory or a substantial part of the equipment of the business, if the equipment is included with a bulk transfer of inventory. These provisions apply to all business enterprises whose principal business is the sale of merchandise from stock, including retailers of alcohol beverages. This bill repeals the bulk transfer provisions of the UCC.

The National Conference of Commissioners on Uniform State Laws and the American Law Institute recommended repeal of the UCC bulk transfers law in 1989 and promulgated the official text. The American Bar Association approved the text in 1990.

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

4 **SECTION 1.** 401.105 (2) (c) of the statutes is repealed.
5 **SECTION 2.** 402.403 (4) of the statutes is amended to read:

ASSEMBLY BILL 202**SECTION 2**

1 402.403 (4) The rights of other purchasers of goods and of lien creditors are
2 governed by chs. 406, 407 and 409.

3 **SECTION 3.** Chapter 406 of the statutes is repealed.

4 **SECTION 4.** 452.09 (3) (a) of the statutes is amended to read:

5 452.09 (3) (a) In determining competency, the department shall require proof
6 that the applicant for a broker's or salesperson's license has a fair knowledge of the
7 English language, a fair understanding of the general purposes and general legal
8 effect of deeds, mortgages, land contracts of sale, leases, bills of sale, chattel
9 mortgages, conditional sales contracts, ~~the provisions of the bulk sales law~~ and a
10 general and fair understanding of the obligations between principal and agent, as
11 well as of this chapter. An applicant receiving a failing grade, as established by rules
12 of the department, on any examination given under this section shall be denied a
13 license, but any applicant may review his or her examination results in a manner
14 established by rules of the department.

15 **SECTION 5.** 480.08 (2m) (intro.) of the statutes is amended to read:

16 480.08 (2m) EXAMINATION NOT REQUIRED. (intro.) Notwithstanding sub. (2) (e),
17 the department shall register as an auctioneer under sub. (2) an individual who, not
18 later than December 1, 1997, satisfies the requirements under sub. (2) (intro.) and
19 (a) to (d); submits to the department a statement, signed by the individual, verifying
20 that he or she has knowledge of the requirements for auctioneers under ss. 29.501,
21 and 402.328 and 406.108, subch. III of ch. 77, subch. VIII of ch. 218, this chapter, and
22 all other state laws that include requirements for auctioneers; and submits evidence
23 satisfactory to the department that he or she has done any of the following:

24 **SECTION 6.** 480.14 (4) of the statutes is amended to read:

