What you should know about Wisconsin



Your Legal Rights and Responsibilities

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Your Legal Rights and Responsibilities

(Formerly *On Being 18*)

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INTRODUCTION

This booklet focuses on the changes in legal rights and responsibilities that occur when you become 18 and are considered an "adult" under Wisconsin law. The purpose is to inform you of your rights and to help you recognize and avoid possible problems.

The booklet provides a summary of some of the legal principles in effect at the time of publication. It does not offer legal advice. If you have a specific question you should check the sources mentioned in the booklet or talk with a lawyer.

GENERAL PRINCIPLES

When does a person become an "adult" according to Wisconsin law?

In Wisconsin, you become a legal "adult" at age 18, unless you are under a legal adult guardianship based on disability. However, for criminal law purposes, you will be treated as an adult at age 17. And although at age 18 you are now old enough to join the military, you cannot drink alcohol until you reach the age of 21.

What does it mean to become an "adult" under Wisconsin law?

You have new rights that are associated with being completely independent. You also have new responsibilities and are held personally accountable for your actions.

When I reach age 18, am I automatically given all the rights and privileges of an adult?

The answer in Wisconsin is "yes," unless you are incarcerated or under a legal adult guardianship due to disability:

- Guardianships of minors automatically expire when the minor reaches age 18.
- People age 18 and over who are under a legal adult guardianship should consult with their guardian, attorney, and/or the Court to determine his/her rights under the guardianship.
- Incarcerated individuals lose many of their rights until they are released. Upon release, those rights (with some exceptions) are reinstated automatically. You should consult an attorney or legal action center for specific questions about your rights.
- As noted above, in Wisconsin the legal drinking age is 21.

May the age of legal adulthood be different for men than women?

No, that would be unconstitutional gender discrimination. The age of legal adulthood is 18 for both men and women.

Do people under 18 have any rights?

Yes. That subject is not discussed in this publication. You may wish to research this issue online or at your local library and/or refer to a lawyer in your community. If you are concerned that your or someone else's rights are being violated, you should speak with law enforcement, a lawyer, or a trusted adult.

What are some of the rights you have after age 18 that you didn't have before?

If you are a U.S. Citizen, you will now be able to do the following:

- vote in state and local elections, which is further discussed in the Voting Section of this publication
- participate in jury service

Most people* age 18 or older, regardless of citizenship, can generally do the following:

- marry without parental or legal guardian consent
- make a valid will
- work for pay
- obtain a driver's license (must be a U.S. citizen, legal permanent resident, or conditional resident)
- sue in your own name
- make a contract (i.e., rent an apartment, buy a car, take out a loan) in your own name
- obtain medical treatment without parental consent
- obtain public benefits on your own record (if you are otherwise eligible)
- purchase and possess firearms. All federal and state regulations related to firearms still apply.
- be completely independent from parental or legal guardian control
- apply for credit in your own name

* People under legal adult guardianship due to disability will need to check with their guardian, attorney, and/or the Court about their rights.

What are some of the responsibilities I have after age 18 that I didn't have before?

- Criminal charges will be tried in adult criminal court rather than juvenile court. This begins at age 17. In some circumstances, a person as young as 14 can be "waived" into adult court and treated as an adult for criminal law purposes.
- Supporting yourself financially, as parents/legal guardians are no longer required to do so.
- You may be sued by others on contracts you make.
- You may be sued by others for property damage or bodily injury that you cause (for example, in a car accident that was your fault).
- You're eligible and required to report for jury duty if you are a U.S. citizen.
- All males are required to register for a military draft, which is further discussed in the Military Service section of this publication.

VOTING

What are the requirements for voting?



You must be 18 or older, a U.S. citizen and a resident of Wisconsin for 28 days before the election. The residency rule does not apply in a presidential election, but if you have been a Wisconsin resident for fewer than 28 days you can only vote for the president and vice president. If your 18th birthday is on election day, you can vote in that election.

Where do I vote?

Your local government establishes voting locations ("polling places"), usually at a school, city hall, or similar place. Your local clerk (town, village, or city) can tell you where to vote.

Where do I register to vote?

Students can register at school. High schools are required to have a person to register students. Your local government establishes other registration places, and you can contact your local clerk to find out where to register.

May I vote if I have not registered before Election Day?

Yes, you can register at the polling place on Election Day.

May college students vote in the city where they go to school?

Yes, if you register in that city or show a change of residence from your home town. Keep in mind that in Wisconsin you must meet the 28-day residency requirement at your school address in order to vote in that city. Other states have varying residency requirements, and if you attend school out of state, you will want to check with your local government clerk as to your eligibility to register to vote. Otherwise a student's residence for voting is determined by where his or her "home" address, i.e., where their parents or legal guardian reside.

May I vote if I will not be in my voting district on Election Day or cannot appear at the polling place?

Yes, you can vote by absentee ballot after making advance application for an official ballot in person, by affidavit, or by an agent. Contact your local clerk to find out how to receive an absentee ballot. Keep in mind that your ballot must be received by the clerk by the close of the polls on Election Day.

MILITARY SERVICE

Who is required to register for the draft?

Every male citizen and male alien residing in the United States must register within 30 days of his 18th birthday (i.e., within 30 days before or after, a 60-day registration window). This is known as Selective Service registration.

At what age can a person enlist in the Armed Forces?

At 17, with parental consent. Without parental consent, at age 18 to 35.

How do I register?

Men may register online at www.sss.gov; at the post office, a U.S. Embassy overseas, or by mail, via the "Reminder Mailback Card" the Selective Service mails to men near their 18th birthday. There is also a checkbox on the Federal Student Financial Aid application that allows a man to consent to the Department of Education providing his information to the Selective Service System for registration. Physical examinations will not be conducted and classifications will not be issued when you register. Many high schools also have a staff member or teacher who can act as a Selective Service registrar.

Will draft cards be issued when I register?

No. If a draft occurs, you will be notified at that time. The notice will order you to report for a physical examination and processing. It will also provide information on possible exemptions and deferments.

What if I consider myself to be a "conscientious objector?"

You would still have to complete the registration form, but can state that you are a conscientious objector. Under federal law, anyone who is "conscientiously opposed to participation in war in any form" because of religious training and belief will be exempted from training or service as a combatant. According to the federal statute, the phrase "religious training and belief" requires more than political, sociological, or philosophical view or merely a personal moral code. If a draft occurs and a conscientious objector is called to duty, he would have the opportunity to file a claim for an exemption.

What can happen if I do not register?

Failure to register is a federal crime punishable by up to five years imprisonment and/or a fine of up to $250,000. Eligibility for federal college financial assistance, citizenship, and federal job training assistance programs may require proof of registration.

Do I have to do anything after I register?

Until Jan. 1 of the year in which a man turns 26, he is required to provide notice to the Selective Service within 10 days of any changes in information provided on the registration card, including a change of address. Changes may be reported online at www.sss.gov, by completing a change of address Selective Service form at the post office, or by calling 1-847-688-6888.

JURY DUTY

If called to serve on a jury, do I have to go?

Yes, unless you are excused by the court for some special reason. This is one of the responsibilities of being an adult.



What are the qualifications for serving on a jury?

You must be 18 years old or older, a U.S. citizen, reside in the county in which you are called to serve, able to read and understand the English language, and you must not be not so ill or disabled as to interfere with jury duty.

How are people called to serve on a jury?

Once a year a list of the names of potential jurors is prepared, usually from voter registration lists and driver's license records. Questionnaires are sent to those people to determine whether they are qualified. Before a jury is needed, names are chosen at random from the list and those people are notified to appear at court. This is the jury panel from which jurors are chosen.

Do all people who are in the jury panel actually serve on a jury?

No. More people are chosen than will be needed because some people are automatically excluded and others might be excluded by the judge or the attorneys.

Who will a judge excuse from jury service?

The judge will excuse potential jurors if they:

- are related by blood or marriage to someone involved in the case or to one of the lawyers
- have a financial interest in the case
- have already formed an opinion about how the case should be decided
- have a bias or prejudice that would prevent him/her from deciding the case fairly and impartially

The judge may also excuse persons if service on the jury would cause extreme inconvenience or undue hardship or if there are other special circumstances.

Are people with certain jobs automatically excused from jury service?

No. There are no automatic excuses based on occupation.

May high school students 18 years of age or older serve on juries?

Yes.

How are people chosen for the jury panel?

Names are chosen at random from those called for jury duty. The judge will ask general questions and excuse people for the reasons discussed above. The parties, or their lawyers, then ask questions and can ask the judge to excuse someone if there is a special reason like bias, prejudice, or financial interest in the case. Each party is usually allowed to eliminate three people for any or no reason.

Do people on a jury lose pay?

It depends on the employer. Employers are required to give employees time off for jury service but are not required to continue wage payments.

Are jurors paid by the county?

Yes, at a rate set by each county, but no less than $16 per day, plus reimbursement for mileage, which is paid at a rate periodically adjusted by the state.

How long can people be required to serve on a jury?

Normally, no more than five days within a two-year period. However, if more time is required for a specific case, a jury may be required to serve longer. Local judges may also adopt a rule requiring a longer period, which cannot exceed 10 days within a two-year period.

ALCOHOL & OTHER DRUGS

May the state change the drinking age?

Yes. Buying beer or liquor is considered a privilege rather than a right, so a state may change the drinking age.

May the drinking age be different for beer and liquor?

Yes. However, following the adoption of the National Minimum Drinking Age Act in 1984, every state adopted twenty-one as the drinking age for both beer and liquor.

What is the current legal drinking age in Wisconsin?

Twenty-one.

What are some examples of violations of Wisconsin's drinking laws by underage persons?

- obtaining or attempting to obtain alcoholic beverages
- possessing or consuming alcoholic beverages when not accompanied by a parent, guardian, or spouse of legal drinking age
- being on licensed premises without a parent, guardian or spouse who has attained the legal drinking age
- falsely representing age to obtain alcoholic beverages
- carrying, obtaining, making, altering, duplicating, or presenting a false identification card
- possessing alcoholic beverages on school grounds unless permitted in writing by a school administrator at school-sponsored activities and consistent with applicable state law

Are there situations where an underage person may legally be on the premises of a business that is licensed to sell alcoholic beverages?

Yes, that is allowed (1) when accompanied by a parent, guardian, or spouse of legal drinking age, (2) for a person at least 18 years old who is under contract to provide entertainment, (3) at times designated by the business when no alcohol will be consumed, sold, or given away and local police are notified in advance that underage persons will be allowed on the premises, (4) if you work there, (5) to buy food or nonalcoholic beverages if you leave after the purchase, and (6) in a number of locations like restaurants, hotels, bowling alleys, and public athletic fields or public buildings.

What are the penalties for violations of Wisconsin's drinking law by underage persons?

A court may impose one or more penalties for each violation that did not involve driving. Penalties for these violations can be found in the chart located on pages 11-12.

Supervised work programs consist of work for pay or uncompensated community service work administered by a county department of public welfare or a community agency. The Department of Transportation keeps records of underage alcoholic beverage law violations and penalties for at least two years. If a person who is subject to license suspension or revocation for underage drinking does not have a driver's license, the suspension or revocation will begin when the license is issued.

Does Wisconsin's drinking law say anything about blood alcohol concentration for underage drivers?

Yes, any person under 21 is subject to an absolute sobriety law. If a person under 21 is driving and is found to have any blood alcohol concentration, the person's driver's license will be suspended for three months, and they will be subject to a $200 fine. If there is a passenger in the vehicle who is under 16 years of age, the penalty increases to suspension for six months and a fine of $400. If the blood alcohol concentration is .08 percent or greater, the penalties described in the driving section for drunk driving will apply. Failure to submit to a chemical test for intoxication will result in a driver's license revocation of six months (or 12 months if there is a passenger under the age of 16 in the vehicle).

Is there anything else in the drinking law we should know about?

Yes. Violations of the drinking law three months or less before your 18th birthday may be referred out of juvenile court to the District Attorney for prosecution as an adult. In addition to an ID card, a photographic driver's license issued by the Department of Transportation may be used as official identification. The written driver's license test will include drinking-related questions.

What kinds of laws apply to other drug use?

In January 1990, the state revised most of the laws relating to drug use by substantially increasing the penalties for possession, use, manufacture, or sale of controlled substances. Most violations can result in large fines and long jail or prison terms.

How do local ordinances on marijuana relate to those state laws?

Counties, villages, and cities are permitted to have local ordinances that provide fines for the possession of 25 grams or less of marijuana. Local ordinances cannot be used for a second offense or for possession of more than 25 grams.

Do any special laws apply if minors are involved with adults in illegal drug activities?

Yes. If an adult involves a minor in the manufacture or sale of illegal drugs there is a possible $25,000 fine and/or a twelve-and-a-half year prison sentence. If an adult distributes or delivers a controlled substance to a person 17 and/or at least three years his or her junior, the penalty can be increased by five years of imprisonment.

What laws apply to drug paraphernalia?

State law defines "drug paraphernalia" as all equipment, products, and materials used or intended to be used for planting, cultivating, producing, processing, testing, packaging, storing, or introducing into the human body a controlled substance. The possession of drug paraphernalia is subject to up to 30 days in jail and/or a fine of up to $500. The manufacture or delivery of drug paraphernalia is subject to up to 90 days in jail and/or a fine of up to $1,000.

The delivery of drug paraphernalia to a person 17 or under and/or at least three years younger is subject to up to nine months in jail and/or a fine up to $10,000. If the drug paraphernalia involved is related to methamphetamine, the possible penalties are increased to up to six years in prison and/or a $10,000 fine. Delivery of drug paraphernalia to a person 17 or under is subject to a $25,000 fine and or twelve-and-a-half years imprisonment.

Does the state impose a tax on illegal drugs?

Yes. A person who illegally possesses, manufactures, or delivers controlled substances to others is required to pay a tax to the state. The tax varies depending upon the type and amount of the controlled substance. Failure to pay the tax can result in a criminal conviction and a fine up to $10,000 and/or six years in prison.

How does that work?

A dealer is required to pay the tax to the State Department of Revenue, which issues a tax stamp. The department is required to maintain confidential records on the names of people who pay the tax.

Why did the state create the tax?

Imposition of a tax on illegal drugs opens the door to additional penalties and fines that can be charged for failing to pay the tax. Violations of the tax law will lead to double tax charges, plus interest and penalties. The state will be able to seize property from violators to pay for the tax.

UNDERAGE ALCOHOL OFFENSES AND RELATED PENALTIES
(AS OF 2009 ACT 100; JULY 1, 2010)

Conviction	Fine or Forfeiture[5]	Driver License Suspension or Revocation	Supervised Work Program	Court Ordered Stay[1]	Assessment[1]	Demerit Points
Absolute Sobriety "Not a Drop" Law (If under age 21) [346.63 (2m)]	$200[3] fine [346.65(2q)]	3 month suspension[3] [343.30(1p)] Occupational - immediately				4 [343.32(2)(bj)]
Underage Alcohol (Procure or Misrepresent Age)(age 17-20) [125.07(4)(a)] or local ordinance	1st: $250-$500 forfeiture 2nd in a year: $300-$500 3rd in a year: $500-$750 4th & subsequent in a year: $750-$1,000 [125.07(4)(bs)]	1st: 30-90 day suspension[4] 2nd: up to 1 yr. suspension[2] 3rd & subsequent: up to 2 yr. Suspension[2] [343.30(6)(b)]	Yes - Court option as an alternative [125.07(4)(bs)]	Yes - Court option as an alternative [125.07(4)(e)[2]]	Mandatory, if Court orders stay of sentence [125.07(4)(e)2a]	
Juvenile Alcohol (Procure or Misrepresent Age) (under 17) [125.07(4)(a)] or local ordinance	1st: $250-$500 forfeiture 2nd in a year: $300-$500 3rd & subsequent in a year: $500 [938.344(2b)(a)-(c)]	1st: 30-90 day suspension[4] 2nd: up to 1 yr. suspension[2] 3rd & subsequent: up to 2 yr. Suspension[2] [343.30(6)(b)]	Yes - Court option as an alternative [938.344(2b)]	Yes - Court option as an alternative [938.344(2g)(a)]	Mandatory, if Court orders stay of sentence [938.344(2g)(a)1]	
Underage Alcohol (Possess or Consume) (age 17-20) [125.07(4)(b)] or local ordinance	1st: $100-$200 forfeiture 2nd in a year: $200-$300 3rd in a year: $300-$500 4th & subsequent in a year: $500-$1,000 [125.07(4)(c)]	1st: 30-90 day suspension[4] 2nd: up to 1 yr. suspension[2] 3rd & subsequent: up to 2 yr. Suspension[2] [343.30(6)(b)]	Yes - Court option as an alternative [125.07(4)(c)]	Yes - Court option as an alternative [125.07(4)(e)2]	Mandatory, if Court orders stay of sentence [125.07(4)(e)2a]	
Juvenile Alcohol (Possess or Consume) (age 17-20) [125.07(4)(b)] or local ordinance	1st: Up to $50 forfeiture 2nd in a year: Up to $100 3rd & subsequent in a year: Up to $500 [938.344(2)(a)-(c)]	1st: 30-90 day suspension[4] 2nd: up to 1 yr. suspension[2] 3rd & subsequent: up to 2 yr. Suspension[2] [343.30(6)(b)]	Yes - Court option as an alternative [938.344(2)]	Yes - Court option as an alternative [938.344(2g)(a)]	Mandatory, if Court orders stay of sentence [938.344(2g)(a)1]	

Underage False ID (Use or Possess) (age 17-20) [125.085(3)(b)]	$300-$1,250 forfeiture [125.085(3)(bd)]	30-90 day suspension[4] [343.30(6)(bm)]	Yes - Court option as an alternative [125.085(3)(bd)]		
Juvenile False ID (Use or Possess) (under 17) [125.085(3)(b)]	1st: $100-$500 forfeiture 2nd in a year: $300-$500 3rd & subsequent in a year: $500 [938.344(2d)(a)-(c)]	1st: 30-90 day suspension[4] 2nd: up to 1 yr. suspension[2] 3rd & subsequent: up to 2 yr. Suspension[2] [343.30(6)(b)]	Yes - Court option as an alternative [938.344(2d)]	Yes - Court option as an alternative [938.344(2g)(a)]	Mandatory, if Court orders stay of sentence [938.344(2g)(a)1]
Intoxicants In Vehicle (Underage persons) [346.93]	$20-$400 forfeiture [346.93(2g)]	1st: 30 day - 1 yr. suspension 2nd: up to 1 yr. suspension[2] 3rd & subsequent: up to 2 yr. Suspension[2] [343.30(6)(b)]			

[1] If the defendant agrees, the court may stay enforcement of the sentence conditioned on voluntary AODA assessment and participation in a court-approved alcohol abuse education program or enrollment in a treatment program; however, the court may not stay, suspend or modify a mandatory drivers license suspension.

[2] Suspension is permissive for 1st offense, but mandatory for 2nd and subsequent offenses within 12 months that involve a motor vehicle.

[3] Forfeiture, costs and period of suspension are doubled if a passenger under 16 years of age was in the vehicle at the time of the offense. [343.30(1p), 346.65(2q)]

[4] If a person does not hold a valid license at the time of disposition, the suspension period begins on the date on which the person is first eligible for issuance, renewal, or reinstatement of an operator's license. (343.30(6)(b),(d)]

[5] Additional fees, assessment and surcharges will apply.

DRIVING

DRIVER'S LICENSE



Is driving a right or a privilege?

It is a privilege that the state may regulate.

Can anyone obtain a driver's license?

No. You must be over the age of 16 and meet certain other requirements, discussed below. Anyone who operates a motor vehicle or motor-driven cycle on public roadways in Wisconsin is required to have a driver's license.

How do I obtain a driver's license?

You may obtain a Wisconsin Class D driver's license (cars and trucks) if you:

1. Are at least 16 years of age.
2. Are able to submit proof of name, date of birth, identity, Wisconsin residency, and U.S. citizenship (or other legal immigration status).
3. Pass required driver's license tests.
4. Turn in any driver's license or identification card from another state.
5. Are not suspended or revoked in another state.
6. Meet the physical and medical requirements for the type of driver's license desired.
7. Pay required fees.

What is a Probationary Driver's License?

A probationary license is the license issued to any driver who has less than three years of driving experience, regardless of age. It expires two years from the applicant's next birthday. A probationary license will contain certain restrictions on the back of the license. Most importantly, while licensed with a probationary license any demerit points for moving violations will double after your first conviction.

What is the Graduated Driver License (GDL) system?

The Graduated Driver Licensing system is a program that allows novice drivers to gain knowledge and driving experience while under the supervision of an experienced mentor as they progress through the learning stages.

Does the GDL law change the Driver Education requirements?

No, the driver education requirements remain the same. The GDL law requires you to add more actual driving time to what you already receive in driver education.

How old do I have to be before GDL doesn't apply to me?

GDL restrictions no longer apply once you turn 18.

For more information on the GDL law changes, contact the Wisconsin Department of Transportation.

Do parents continue to be liable for a child's accidents after the child turns 18?

Generally no, not even if they signed as a sponsor when you first obtained a license. The liability of a sponsor ends when you turn 18.

Are all drivers required to have car insurance?

Yes, and you are required to carry proof of insurance with you while driving. Finally, you may be required to provide proof of insurance to obtain an occupational license or to reinstate your operating privileges or vehicle registration that had been revoked.

DRIVING UNDER THE INFLUENCE

What happens if someone is stopped for drunk driving?

Without making an arrest, the officer might ask you to perform field sobriety tests or to submit to a preliminary breathalyzer test. You may refuse to take this test without revocation of your license or other penalty. The officer can consider the refusal to take the tests as a factor in deciding whether or not to make an arrest, but cannot arrest solely based on the refusal to perform the field sobriety tests.

If you are arrested, the officer may request a breath, blood or urine test. The choice is the officer's. The officer will inform you that you are considered to have consented to the chosen test, that failure to submit to the test will result in revocation of your license and that you may have a test of your choice at your expense in addition to the one required by the officer.

If you take a test and the result shows a blood alcohol concentration of 0.08% or more, the officer will issue you a ticket, take your license and tell you that after a 30-day waiting period your license will be suspended for six months. You have 10 days to request a hearing to challenge the test result.

If you refuse the officer's test, the officer will give you a Notice of Intent to Revoke your license. You have 10 days to request a hearing on your refusal. If you do not request a hearing, your license will be revoked (a) for one year starting 30 days after your arrest for a first refusal, (b) for two years for your second refusal or conviction in five years, and (c) for three years for your third refusal or conviction in five years.

What are the penalties for drunk driving?

For the first offense, a forfeiture of $150 to $300, a $365 driver improvement surcharge, a 15% penalty assessment, community service work, license suspension of six to nine months, assessment by an alcohol agency, compliance with the treatment recommendation, six points on your driving record, and restitution for any damage you caused. In addition, if your blood alcohol concentration is 0.15% or more, the court will order the installation of an ignition interlock device in any vehicle you own or operate for a period of one year. Operating in violation of an ignition interlock order is a criminal offense punishable by a fine and imprisonment for up to six months.

If there is a minor passenger under 16 years old in the vehicle at the time of the violation, a first offense is a criminal offense. The penalties are the same as for a second offense.

For the second offense within 10 years, mandatory jail time of at least five days (and up to six months), a fine of $350 to $1,100, the penalty assessment, driver improvement surcharge and license revocation of 12-18 months, the alcohol assessment and compliance with treatment recommendation, six points on your driving record, restitution, and a court order for an ignition interlock device for a minimum of one year up to 18 months.

For the third offense, the mandatory jail time is a minimum of 45 days and a maximum of one year, the fine is $600 to $2,000, the license revocation is two to three years, and your vehicle must be equipped with an ignition interlock for up to three years. The other penalties are the same. The minimum and maximum fines are increased for higher alcohol concentration levels.

The penalties continue to become more severe if a person has more than three offenses; including a five-year license revocation and required seizure of the car if owned by the person guilty of drunk driving. Furthermore, if there is a minor passenger under 16 in the vehicle at the time of the violation, the fine and imprisonments double.

What are the penalties for refusing the test requested by the officer?

A first, improper refusal will result in a one-year revocation of your license and an assessment by an alcohol agency requiring compliance with its treatment recommendation. A treatment plan may include in-patient drug or alcohol abuse treatment. A second improper refusal or conviction within 10 years will result in a two-year revocation of your license with assessment by the alcohol agency. A third improper refusal or conviction will result in a three-year revocation of your license. For all improper refusals, the court will order the installation of an ignition interlock for a minimum of one year. A refusal counts as a prior drunk driving conviction if you are arrested for another drunk driving offense in the future.

What is an occupational license and how does one get one?

If your license has been suspended or revoked for any reason you may ask the court to issue a license if you have a job or are in school and it is essential that you drive. The license will be good for limited hours, no more than 12 hours per day or 60 hours per week and for limited areas or routes. You must provide a certificate proving that you have car insurance. Violation of the limits specified on your occupational license would result in immediate revocation of the license for a period of not more than six months. There is a waiting period before you can obtain an occupational license. The length of the waiting period depends on the nature of the violation and the number of violations you have.

Do the drunk driving laws apply only to cars and trucks?

No, they also apply to motorcycles, mopeds, snowmobiles, ATVs, boats, water skis, and aquaplanes.

If your license is revoked, how do you get it back?

You must pay a reinstatement fee (now $60 to $200 depending on the reason for the revocation) and file proof of financial responsibility with the Department of Transportation. That usually involves proving that you have adequate liability insurance. If your license was revoked for drunk driving, you must also provide proof you completed an alcohol assessment, begun any recommended treatment, and installation of any required ignition interlock device.

CRIMINAL CHARGES

GENERAL PRINCIPLES OF CRIMINAL LAW



When can a person be charged in adult criminal court?

Starting at age 17, if you are arrested for a criminal charge (misdemeanor or felony), you will go to adult criminal court. If found guilty, you can be fined and sent to jail or prison. You will have an adult criminal record. The prosecutor may ask the court for permission to charge a person under age 17 as an adult, under certain circumstances.

If someone is arrested for a criminal offense, what does he or she have a right to expect from the arresting officer(s)?

If arrested, you can expect to be searched for weapons by the police and taken to a police station. You will be advised of your rights under the U.S. Constitution, in what is commonly called your Miranda warnings. As soon as you affirmatively request an attorney, the police are not supposed to question you further. Important rights to remember are the right not to talk to the police, other than identifying information, and right to have an attorney present. If you cannot afford an attorney, the court will appoint one for you.

What basic things should a person remember if arrested?

You should remember your right to have an attorney present. Once you have identified yourself, you may refuse to make any statement or discuss the case with anyone. On the other hand, you may choose to answer questions, sign papers, or take tests. However, any information you give voluntarily can be used as evidence against you in court. Law enforcement officers cannot force or threaten you into answering questions and cannot offer leniency in exchange for any written or oral statements. Once the jail completes the booking process, you may request to speak to a public defender.

How soon after being arrested must a person appear before a judge?

After you are arrested and processed, an "initial appearance" before a judge must occur within a reasonable time. This is usually within 24 hours unless your arrest took place over a weekend or a holiday, when the initial appearance usually occurs on the next business day.

What is bail?

Bail is a procedure designed to guarantee your appearance in court. Sometimes the court will require a "recognizance" bond, where you agree to pay a certain amount of money if you fail to appear in court or violate any other condition of the bond, such as not having contact with the alleged victim. Sometimes the court will require a specific amount of money to be deposited with the clerk of courts. Sometimes the court allows deposit of a bond or title to a vehicle or home. Usually a member of the family must obtain the funds, deposit the money, and then show the receipt in order to get you released.

What if a person cannot afford to hire an attorney?

The first thing to tell the court at your initial appearance is that you wish to speak to someone from the Public Defender's Office. Generally, the court will postpone your case and provide you with the address and telephone number of the local public defender.

SEXUAL CRIMES

What is sexual assault?

Sexual assault is any sexual contact without consent. The contact does not have to involve intercourse.

What does "sexual contact" mean?

It occurs whenever there is intentional touching of another person's intimate parts for purposes of sexual arousal or humiliation.

What does "consent" mean?

For this purpose, consent means specific words from or conduct by a person who is legally able to give informed consent that shows a freely given agreement to have the sexual contact. No one younger than 18 years old, or under the influence of alcohol or other drugs, is legally able to consent. The age difference between partners does not change a minor's inability to legally consent.

What are the penalties for sexual assault?

That depends on the nature and severity of the assault. Most sexual assaults are considered felonies, the most serious type of criminal violation and could result in a lengthy prison sentence.

Can sexual assault occur within a marriage?

Yes. A criminal sexual assault violation can occur between husband and wife. The question is whether there was consent for the sexual contact.

What are some examples of other sexual crimes?

Sexual discrimination or harassment

Sexual intercourse in public (fornication)

Trading sexual contact for money or something else of value (prostitution)

Patronizing prostitutes

ONLINE PRIVACY, SOCIAL MEDIA, AND RELATED ISSUES

The law in this area is developing quickly, as you can imagine given the speed with which technology changes. However, this section is intended to give you a basic overview of some of the issues that may arise in your use of the Internet.



Is "file sharing," downloading, or streaming of videos, music, and other content legal?

The answer to this question depends on the content you are sharing or streaming. True "file-sharing" services or what are called peer-to-peer networks, which allow individuals to transfer files from one individual's computer to another individual's computer are nearly always in violation of copyright laws. If you violate a copyright law, your Internet provider may contact you to inform you that your use of the Internet is in violation of a copyright. Many services that allow you to view video content or listen to music online have valid licenses to do so. Penalties for copyright infringement can be significant, and you should only use reliable and reputable services to obtain content.

Because tracking of illegal sharing, downloading, or streaming of content is often tied to your Internet source, if you have a wireless Internet network in your home, you will want to use a password to make sure your network is secure. Doing so will make sure that your neighbors, or anyone else in the area, will not be able to use your Internet without your permission.

Isn't my online content private if I use the privacy settings available on, for example, Facebook or Twitter?

Facebook and Twitter have privacy settings that allow you to restrict other's access to your content. However, these privacy settings do not prevent an attorney or a court from subpoenaing (a legal demand for production of documents) your content, if it ever becomes relevant to a legal proceeding. Further, once you share content online, it is difficult to control how other users that you have approved use that content. Your words and photos may be shared beyond your intended audience. It is also important to know that anything posted to the Internet may be backed up or stored by other users or services. This means that even if you delete the original posting, the content will often continue to exist elsewhere.

If I use photo or video sharing services, do I still own the rights to my content?

In most cases, yes. However, many websites have terms of service which state that by using their site and posting your content to it, you agree to allow the site to use your photos, videos, etc. It is important to read the terms of service before uploading your content to a website.

Is it legal to electronically send or receive a sexually explicit photo via email or texting?

The answer depends on the photo in question. Depending on the age of the person pictured and/or with whom you share a photo of this nature, you may be in violation of laws regarding the possession or distribution of pornography. Some individuals in the United States have been prosecuted for possessing or distributing child pornography as a result of "sexting" or otherwise sharing sexually explicit photos, because the individual pictured was under the age of 18. If you receive a photo of this nature and you are concerned it may be in violation of the law, you should delete the photo and should not share it with others.

CONTRACTS

What is a contract?

Any agreement between people where each receives some benefit. Contracts can be written or verbal, although some must be in writing, such as purchases of items over $500, agreements that will last for more than one year, and any contract to buy or sell land.

Can I make a contract before turning 18?



Yes, but as a minor you can back out of most contracts. Adults cannot usually enforce contracts against minors. That is why your parents, legal guardian, or other adult, probably had to co-sign any contract you made as a minor.

What are some likely contracts I may soon be part of?

- employment contract
- loan for school or to buy a car
- installment purchases or credit card agreements
- apartment rental
- insurance
- marriage

What are some of the advantages of written contracts?

Protection against dishonesty – against lies by the other person over what you had agreed to.

Protection against poor memories – after time people will usually have different recollections of their agreement even if there is no dishonesty.

Protection against any misunderstanding – a written contract ensures that both people entering into the agreement have read the same language and are agreeing to the same terms.

What are some of the disadvantages of written contracts?

Consumers are often forced to use printed form contracts written to favor the seller. (For example, attempting to limit warranties and saying that the customer must pay the business's legal fees if there is a lawsuit to enforce the contract.)

Some words contained in written contracts have technical legal meanings that are unknown to most people.

A written contract will usually control even if you thought you had a different agreement. It can be hard to dispute the terms of a written contract.

What are some general rules to follow when I am asked to sign a contract?

- Don't sign anything until you are sure you understand the agreement.
- Read the entire contract before signing it. Ask questions about anything in the contract you don't understand.
- Cross out parts of the contract that conflict with your agreement.
- Write in parts of your agreement that are not in the contract.
- Don't sign a contract if it contains any blank spaces. Either fill them in or cross them out if they do not apply.
- Be concerned if someone asks you to sign a contract without reading it.
- Don't be intimidated by salespeople.
- Don't be taken in by friendly salespeople.
- Don't think that a printed form contract must be okay.
- Never sign anything unless you understand why you are being asked to sign and what you are agreeing to do.
- Be sure that you get a complete, accurate, signed copy of the contract.

What can happen if I do not do what I agreed to do in the contract (i.e., miss payments or other obligations)?

You can be sued. You, as a "defendant," can be required to appear before a judge or jury and are given a chance to defend against the other person's ("plaintiff's") claim against you. A judge or jury decides what the facts were and, ultimately, whether you or the plaintiff win. If you lose, a judgment will exist against you. If you do not defend the law suit, you will lose by default.

A person who has a judgment against you is called a judgment creditor. They can collect on their judgment in a number of ways. For example, your wages can be garnished, which means that the court can order that amounts be automatically withheld from your paycheck and paid to the creditor instead. Interest is added to the amount of the judgment, until it is paid.

Are there time limits for starting a lawsuit or being sued?

Yes. Wisconsin laws create deadlines, called "statutes of limitation," for starting lawsuits or making claims. Some deadlines are very short. If you think you have a possible claim or lawsuit you should promptly talk with a lawyer and ask what time limit applies.

APARTMENTS

What are a landlord/property owner's rights in an apartment?

A landlord/property owner has the right to:

- set the amount of rent
- set rules for occupancy, except that a landlord in Wisconsin cannot discriminate based on a tenant's sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, lawful source of income, age, or ancestry (see below for more details)
- collect for damages to the property and sell the rental unit (if there is a written lease, it continues to its expiration date)



What are a tenant's rights?

A tenant has the right to:

- use the rental unit in accordance with the rules
- occupy the rental unit without unjust interference or discrimination by the landlord
- expect the property to be safe and kept in reasonably good repair

Is there anything I should do before renting a property?

Yes!

- You should see the specific unit you intend to rent – not a "model" unit.
- Note its condition, report any need for painting/cleaning/repairs, and be sure you want to rent the unit. Understand that rental of the unit in its present condition without further agreement as to repairs, etc., means that the landlord must do nothing more as he or she is not responsible for any defects unless they violate health or building codes. All promises to repair that the landlord makes before entering into a lease must be in writing, with a completion date. Consumer Protection can help tenants if repairs are not completed on time.
- Read the lease and any related notices or disclosures. If you have questions, ask them before signing the lease. Landlords also have a duty to disclose certain issues to potential tenants. These issues include, for example, whether or not utilities are on a shared meter or if there have been any building code violations. For a more complete list of necessary disclosures, visit http://www.tenantresourcecenter.org/housing_counseling/preparing_to_rent.

What is earnest money?

Any application fees or other money accepted by a landlord before a lease is signed is considered earnest money and is refundable. Earnest money is refundable except for the actual cost of a credit check. (Credit bureaus charge about $8 for a report.) Tenants can avoid this fee if they provide their own copy of a credit report less than 30 days old. You may want to check the local ordinances in your location to see what, if any, protection they provide to tenants, or speak with a local tenant resource center

If the tenant is accepted and signs a lease or moves in, the entire earnest money (except the credit-check fee) must be applied in full to the tenant's rent or security deposit, or returned to the tenant. Wis. Stat. 100.20(5) allows tenants to sue for double their loss if landlords violate these rules.

What is a lease and what should it state?

A lease is a legal agreement (or contract) between you and the landlord. A lease can be written or oral, though oral leases may not exceed one year. Violations of a lease by a landlord or tenant can potentially result in a lawsuit for damages, regardless of whether the lease was oral or written. Both the tenant and the landlord have the right to sue for violations of lease terms. Wisconsin statutes allow tenants to sue landlords for double damages if certain lease provisions are violated. Landlords cannot sue tenants for double damages.

A written lease is good protection because it prevents any change in rental conditions, such as an increase in rent during the term of the lease. Before you sign the lease, read it carefully, do not leave any blank spaces, make sure you understand its terms, make sure all additional conditions or promises not included in the lease form presented to you are written on the lease or on a paper attached to the lease, and make sure you understand who pays for such things as utilities, gas, electricity, water, garbage, and the like. Make sure you keep an exact copy of the original lease signed by both yourself and the owner.

After a tenant signs a lease, the tenant must receive a copy of the signed lease. If you request one from the landlord and they do not respond, you may make a complaint to Consumer Protection at (800) 422-7128.

Must a lease be written to be enforceable?

No. Oral leases are valid in Wisconsin, as long as the length of the lease (or lease term) does not exceed one year. Violations of a lease by a landlord or tenant can potentially result in a lawsuit for damages, regardless of whether the lease was oral or written.

What is a security deposit, how much money is it usually, and what is it used for?

It is an amount of money (often equal to one month's rent) which the landlord holds as security against property damages, unclean conditions, and unpaid rent. In most of Wisconsin, there is no limit to the amount a landlord can charge for a security deposit. However, some local ordinances do limit the amount a landlord may charge for a security deposit. You may want to check your local ordinances or speak with a local tenant resource center.

Do I earn interest on a security deposit?

Generally no, because it is not required by Wisconsin statutes.

What can I do to make sure I get back my security deposit?

The single most important thing you can do is to properly document the condition of your apartment at check-in and check-out. When you move into the apartment, your landlord is required to give you a check-in sheet. You should take the time to list any damages, necessary repairs and the general cleanliness of the unit. Have the list dated and signed by the landlord and give the landlord a photocopy. Keep the original. You have at least seven days after moving in to prepare the list. You should also consider taking photos or video of the apartment and any damage and/or bringing someone with you as a witness to the condition of the apartment.

When you leave the apartment, repair any damage you caused and clean the unit. Try to schedule a check-out appointment with your landlord. If your landlord agrees to do this, make sure you leave with a signed copy of the check-out form. If the landlord notes things are dirty or damaged, offer to clean or fix them. If your landlord refuses to go through the apartment with you, complete your own check-out form and take pictures or video documenting the condition of the apartment. Consider having the same witness who was present for check-in help with the check-out.

If your landlord presents you with a check-out form that indicates damages that you or your guests did not cause, do not sign it. Instead, complete your own check-out form and keep a copy. Leave your forwarding address on the check-out form or mail it to the landlord. Keep copies of everything!

Your landlord has 21 days to return your security deposit or to give you a written itemized list of all amounts withheld. If your landlord fails to do this within 21 days, you can sue the landlord for double damages (i.e., up to the amount of your security deposit) plus court costs and reasonable attorney fees. As a general rule, the security deposit may only be withheld to pay for damages, rent, or unpaid utilities. It cannot be withheld for ordinary wear and tear or routine carpet cleaning.

In a month-to-month lease can I end the lease by just leaving at the end of the month?

No. You must usually give notice at least 28 days before the end of a rental period. It is best, though not required, to give this notice in writing. Keep a copy of the notice that you give the landlord in case any dispute arises later.

If I sign a lease with three friends and they move out, do I have to pay the full rent or only my quarter share?

It depends on whether you signed one lease with your friends, or if each of you signed a separate lease. When roommates sign one lease, they are all responsible, or what is called "jointly and severally liable," under that lease. This means that any or all roommates can be held responsible for the full amount when any roommate fails to meet obligations under that lease, such as not paying rent, violating a lease clause, or damaging the apartment. If you and your friends signed one lease, then you can be held legally responsible for paying the whole rent if they later stop paying. You would then have a claim against your friends and could sue them. Not surprisingly, lawsuits between "friends" are unpleasant and emotionally difficult, to say the least. If your roommate was a former boyfriend or girlfriend, the process can be even more painful.

Therefore, if you will be living with roommates, you may want to consider asking the landlord to let you sign a separate lease. The lease should make you responsible only for your share of the rent and for damages caused by you or your guests. Landlords may, **but do not have to**, let you and your roommates sign separate leases.

Any other tips for living with roommates?

It is a good idea to decide ahead of time who will be responsible for what bills (or what portion of a bill) and for household duties. For example, will the cable or phone bill be shared? How much will each roommate pay? Who will be responsible for sending the check or making the online payment? Who will take care of mowing the lawn, shoveling snow, doing dishes, etc.? You might want to consider signing a "roommate agreement" to make clear the obligations of each roommate. A list of "house rules" may also be important. For example: will parties, smoking, overnight guests, drinking, pets be allowed? Early planning may help prevent disputes in the future.

If I break a lease, for what amount can I be sued?

You can be sued for all unpaid rent, for any physical damage including unusual cleaning expenses, for advertising expenses, and other costs of re-renting the apartment. However, the landlord has a duty to "mitigate" damages caused by you breaking the lease. This means that s/he must try to re-rent the unit to minimize the amount of money she/he would lose by you moving out. If the landlord sues you for breaking a lease, she/he will be required to show the judge his/her efforts to mitigate damages.

In Wisconsin, it is illegal for a landlord to charge a tenant for the landlord's attorney's fees. It is also illegal to charge a tenant for "normal wear and tear" to a unit.

Should I have renter's insurance?

Probably. The landlord's insurance will likely cover only the building, not your possessions. Renter's insurance is relatively inexpensive, and will provide coverage of personal items such as laptops, clothes, furniture, iPod, TV, etc. if they are stolen from your apartment or damaged in your apartment by fire, storm, burst pipes, or another catastrophe. In determining whether or not you need renters insurance, the questions you need to ask yourself are: How much would it cost to replace my belongings if they were damaged or stolen? And can I afford to replace them?

To ensure you're compensated for any belongings you lose from a fire, storm, or other catastrophe, you should inventory all of your personal belongings. List each item, its value and serial number. Photograph or videotape each room, including closets, open drawers, storage buildings, and garage. Keep receipts for major items in a fireproof place. And be sure to check whether your policy will provide for replacement value or actual cash value. Replacement cost coverage will cost you more in premiums, but it will also pay out more if you ever need to file a claim.

If you have some items that are unusually expensive, such as a diamond ring, you'll probably want to purchase a separate "rider" or addition to your policy. Without riders for expensive items you can't recover the full loss if it's beyond your policy limit.

What is an eviction?

An eviction is a formal legal proceeding that happens in small claims court. There are several steps in the process, but a true eviction notice is issued by the Court and enforced by the Sheriff. The only way a landlord may remove you is by this court order. Landlords

cannot: change your locks, remove your possessions, push you out, turn off your utilities, throw things out in the street, or use any other type of "self-help" eviction. If you receive a 5, 14, or 30 day notice it is not an eviction, but it is a warning that an eviction action might be filed against you in small claims court in the near future.

How does the eviction process begin?

Landlords begin the eviction process when they believe a tenant has seriously violated the lease and they want the tenant to fix the problem or leave the apartment. The process begins with a notice that must be in writing and include the date, the rent due, or lease clause the tenant has supposedly violated the type of notice, and, if the tenant has one, the tenant's right to fix (or "cure") the problem. There are several types of termination notices:

a) **5-day Pay or Quit Notice** is a warning that the tenant is late with rent. The landlord can only give this notice at a point when the rent is late. This notice can be cured. By law, the landlord has to allow tenants at least 5 business days (not counting the day the notice is given), to pay all overdue rent.

b) **5-day Notice for Non-Rent Violation** is a warning that the tenant caused a disturbance, damaged property, or violated a lease rule. The landlord has to allow tenants at least 5 days, and the tenant is only required to promptly take "reasonable steps" to stop the violation, or make a "reasonable offer" to pay the landlord in the case of damages to the unit. Tenants should keep a copy of a letter to the landlord that either denies any violation, or explains that the tenant has taken reasonable steps to cure, or remedy, it (like turning down the stereo) within 5 days.

c) **14-day no-right-to-cure notice** orders you to move within a period of at least 14 days even if you fix the problem. The tenant has no right to cure. Landlords can give this notice to week-to-week and month-to- month tenants. Tenants with rental agreements of more than a month can only be given this notice if they already received a 5-day for the same violation type (rent or non-rent) within the previous 12 months.

d) **A 5-day notice with-no-right-to-cure is rare.** It can be given by the landlord only if the police give the landlord a notice that the property is a "drug nuisance" (drug making or selling is done by the tenant or in the tenant's unit). A tenant can challenge this termination (do it in writing to the landlord and keep a copy), and then the landlord must let the tenant stay or schedule a court hearing and prove the "drug nuisance" to a judge.

e) **30-day notice to cure** is served only to tenants with a lease for more than a year, giving them at least 30 days to pay late rent or take steps to stop violating lease rules.

Note: A notice that your lease will not be renewed or a 28-day notice to end a month-to-month tenancy are non-renewal notices, not eviction notices.

What are my options once I receive a notice?

Once you receive a 5, 14, or 30-day notice, you have three options:

1. You can fix the problem and remain in the apartment, if the notice you received allows you to cure.
2. You can deny any violation and stay.
3. You can move out.

If you deny the violation and stay, the landlord must go to small claims court to evict you. The landlord must pay a filing fee and file at the county court. You should receive the summons, at least 5 days before the initial court appearance. You must appear in court on that day or you will be evicted.

Check with your clerk of courts to learn the procedure in your county. Regardless of county, at trial, you should be prepared to present all evidence and witnesses.

What happens if I am evicted?

If you go to trial and lose, the judge will issue a written order called a writ of restitution. After the landlord gives the sheriff the writ, the sheriff will come within 10 days to remove you from the apartment. Usually the sheriff will post a 24-hour notice before removing you from the premises. Only the sheriff has the authority to post a 24-hour notice and remove a tenant. (The tenant may contact the sheriff and attempt to arrange a move out date).

If the sheriff removes you, your possessions will be moved to storage and you will have to pay reasonable moving and storage costs to retrieve them (but not back rent). After an eviction, it may be very difficult to rent again.

After you are evicted, and the landlord has the opportunity to determine how much money you may owe, a rent and damages hearing will be held. The tenant should receive a notice of this hearing. At this hearing, the court will determine the amount owed to your landlord for rent and/or damages, and this becomes a judgment against you. It is important to attend so that you can provide information that may minimize the amount of the judgment. For example, landlords cannot charge for time spent re-renting or a re-rental processing fee.

Under what circumstances can a landlord enter my premises?

A landlord may enter your premises at reasonable times to inspect, make repairs, or show your unit to prospective tenants. Landlords cannot enter an apartment unless they give **at least 12 hours notice** to the tenant. Any other entry may be a trespass. Notice may be verbal (including leaving a message) or in writing. There is no requirement that the tenant actually receive that notice (for example, during an extended absence).

A landlord may only enter **without advance notice** under the following circumstances:

- if the tenant, knowing the proposed time of entry, requests or consents to the entry
- if a "health or safety emergency" exists
- to protect the premises from damage when the tenant is absent (ATCP 134 does not define a "health or safety emergency).

Violations are enforced by the Wisconsin Department of Agriculture, Trade and Consumer Protection.

What can I do if a landlord refuses to make repairs to the premises?

Landlords must keep heating, plumbing, electrical system, and building structure in good condition as well as:

- Keep common areas such as hallways, storage areas, laundry rooms, parking lots, and yards clean and in good condition.

- Maintain all supplied equipment, including all appliances.
- Comply with all local housing codes. If the building is occupied by one or more tenants, improper use or damage by one tenant does not relieve the landlord of the duty to maintain the premises for the other tenants in the building.

If the cost of repair is minor in relation to the rent, it may be your responsibility to fix the problem.

You should start by calling your landlord and giving him/her a list of the repairs needed. Keep a log of all calls, including times and dates, who you talked to and what you requested. If this doesn't work, write the landlord a letter asking for the repairs. Keep a copy of your letter. If there is no repair, send a follow-up letter and keep a copy of that letter as well. Tell the landlord that you will be contacting the Building Inspector if he does not make the repair within a certain deadline. If the landlord still has not made the necessary repairs, call the Building Inspection Unit. Building Inspection can order the landlord to fix certain problems, such as lack of heat or hot water, pest infestation, missing screens or storm windows, mold, etc. Cosmetic repairs such as faded paint or stained carpeting will usually not be included. The building inspector will order the landlord to make the repairs within a specified amount of time and will return to see that the repairs are complete.

Building code violations can be reported to your local building inspector without fear of eviction (see section below on "Can my landlord retaliate against me for bringing a complaint against him/her?") When conditions are so bad as to make the premises "uninhabitable," you should consult an attorney about possible claims against the landlord and whether you can move out and avoid further rent. Never move out or stop paying rent without first speaking to an attorney or a trained housing counselor!

May I sublet my apartment and end my obligation to pay rent?

As a general rule, only if your landlord agrees. Most written leases prohibit subletting without consent. In a verbal lease for less than one year, Wisconsin law requires the landlord's consent.

Subletting can be risky, however, because if the person you sublet to (the sublessee) does not pay the rent or damages the apartment, you will be financially responsible. The single most important way to protect yourself is to use a written sublet agreement. List all terms of the sublet clearly, such as the starting and ending dates, amount of rent, and how rent will be paid, the security deposit arrangement, and who will clean the apartment at the end of the lease or pay charges to the deposit. Include any particular conditions such as whether or not the apartment will be furnished, responsibilities like taking care of plants or pets, and parking.

Are there any statewide rules that apply to leases?

Yes. If your landlord violates the rules, you might have a claim for double damages, plus costs and a reasonable attorney's fee.

Can landlords discriminate?

No. Federal law and Wisconsin state law provide protection against housing discrimination based on any of the following:

- race
- color
- religion
- sex
- national origin
- mental or physical disability
- familial status (including pregnancy)
- sexual orientation
- marital status
- age (for people over 18; children are protected through family status)
- lawful source of income

Your county or local government may provide additional protections.

Can my landlord retaliate against me for bringing a complaint against him/her?

Landlords in Wisconsin are prohibited from retaliating against tenants who exercise their rights. Examples of retaliatory actions by landlords include:

- Increasing rent
- Decreasing services available to the tenant
- Filing an eviction action in court
- Refusing to renew the lease
- Threatening to do any of the above.
- Terminating a tenancy
- Giving notice preventing the automatic renewal of a lease
- Constructively evict a tenant by reducing heat, water or electricity.

See the Resources section of this book for organizations you may contact with additional questions.

EMPLOYMENT

Must an employer give employees a written contract?

No. Many employment contracts are verbal. An employment manual can sometimes create an employment contract.

For what reasons can an employee be fired?

If there isn't a written agreement, an employer can fire someone at any time for no reason. An employer may not fire or discriminate against someone based on race, sex, color, religion, citizenship, marital status, sexual orientation, handicap, disability, arrest,

or conviction record (unless the charge is substantially related to your job), or any other classification protected by state or federal law. If you have a written employment contract, your contract may provide additional protections from termination.

Who should I contact if I think I have been discriminated against?

State Department of Workforce Development
Equal Rights Division
201 E. Washington Avenue, Room A300
P.O. Box 8928
Madison, Wisconsin 53708

(608) 266-6860

CONSUMER PROTECTION

What are some consumer protection laws and what do they do?

Consumer protection laws are intended to provide certain protections for consumers and penalties for businesses, in order to promote fair business practices. Some types of consumer protection laws include:

Truth-in-lending. This requires disclosure of credit costs and contract provisions. It also gives you a three-day right to cancel any credit sale that takes place at your residence.

Prohibition of unsolicited credit cards. This prohibits issuance of unsolicited credit cards and imposes a $50 ceiling on the liability of any credit cardholder for unauthorized use of such a card.

Fair Credit Reporting Act. Credit reporting agencies must obtain certifications from people who use credit reports, provide consumers access to credit records, provide consumers with the right to dispute information contained in the records and reinvestigate any disputed information upon the consumer's request. Credit-granting organizations are required to disclose the reasons for denial of credit.

Equal Credit Opportunity Act. This prohibits discrimination in the granting of credit on the basis of sex or marital status. Credit-granting organizations are prohibited from requiring the signature of a spouse on a credit application except when needed to create a valid lien.

Magnuson-Moss Warranty Act. This regulates the content and consequences of warranties as they apply to consumer products costing $10 or more. A distinction is made between "full" and "limited" warranties.

Wisconsin Consumer Act. This regulates interest rates, content of consumer credit forms, credit practices, taking of collateral and collection practices. It establishes grace periods and notice periods before a default can be claimed and prohibits self-help repossession before judgment. The remedies for violation of the Wisconsin Consumer Act depend on the nature of the violation. Possible remedies include a possible right to keep the goods without paying, actual damages, a set statutory penalty, and/or actual attorneys' fees.

Sex and marital status discrimination: The state prohibits discrimination in the granting of credit on the basis of sex or marital status and imposes a fine of up to $1,000 for any violation.

Wisconsin has many regulations that protect consumers, in a variety of areas, including term paper sales, motor vehicle sales and repairs, home solicitation selling, and home improvement contracts. Because consumer protection regulations cover so many areas, it is impossible to list them all here. If you have a concern about a consumer protection issue, you should contact Wisconsin's Bureau of Consumer Protection at (800) 422-7128.

What is a warranty? Are warranties important?

A warranty is part of a contract that provides protection to the consumer. They are important because they establish your right to have defects fixed at no charge. You should always ask for a copy of the warranty. A dealer is required to give you a copy. A warranty may be limited or full. Some warranties are implied, but may be denied if this is stated in writing.

Do I have any protection after the stated warranty period ends?

Maybe. There is usually an implied (unwritten) warranty created by statute that, for a reasonable time, an item purchased from a dealer will be fit for the purpose for which it was sold. Some businesses also provide "extended" warranties, which you may purchase for an additional fee.

Do these warranties apply to used items?

It depends. If something is sold "as is," there are no warranties. If something is purchased from someone who isn't a dealer, there are usually no warranties.

See the Resources Section of this book for agencies you should contact if you have a consumer protection question.

CREDIT

What is a creditor?

A creditor is a person or business to whom a borrower owes money. Common creditors include credit card companies, mortgage lenders, and banks or credit unions.



How do I get a good credit rating?

There are a number of ways, including maintaining a savings account, paying bills on time, getting a job, and using credit cards responsibly. A credit rating is intended to measure your ability to repay a debt. This can be established by a past record of completing payments or by indications of a stable income or other sources of money.

What should I know about buying on credit?

You should make sure you clearly understand the terms of your agreement, how payments will be applied (i.e., whether they will be applied to principal or interest first), any promotional interest rates that apply, and what will happen when the promotional rate ends. You should also consider your monthly budget and whether you will be able to make the payments necessary under the agreement.

How long does it take to clear up a bad credit report?

It depends on the seriousness of the past problems and the amount and purpose for the new loan. Credit reporting agencies often want references on loans and employment for the past five years. Even a past bad credit rating may not prevent you from obtaining credit if the collateral for the present loan is sufficient.

What is collateral?

Collateral is anything of value that can be given as security for a loan. The lender wants to identify property that has a value at least equal to the amount of the loan. If you are unable to repay the loan, the lender can go to court and ask for an order to sell the property used as collateral and apply the proceeds to the debt.

What is a default?

A default is when amounts owed on the debt are not paid when due. For example, someone who does not pay their monthly mortgage payment could be said to have "defaulted" on his/her loan.

If I buy something with a high interest rate loan and later have money to pay off the loan, must I pay the entire amount of interest which would have been due over the term of the original contract?

No. A consumer has a right to prepay a loan at any time without penalty.

Can a purchase agreement say that if I don't pay, the store can automatically get its money from my wages?

No. Wage garnishment can occur only after a lawsuit and a judgment.

Can the purchase agreement say that if I default, I agree to assign my wages to the store?

Yes, but there are limitations on wage assignment. They can be canceled at any time by you, and they have a limited term of generally no more than one year.

Can a lender have different rules for making loans to women than to men?

No. It is unlawful for any creditor to discriminate against any applicant on the basis of sex or marital status. Lenders may only make distinctions based on the applicant's creditworthiness. A married person who does not have an outside job might have problems obtaining a loan unless that person has sufficient collateral to provide as security for the loan. If the person's spouse has an established credit rating, the spouse could guarantee the loan or provide other security to support the loan.

What can I do if I owe more money than I can pay?

Some alternatives include working out agreements to pay your debts back over time, taking out a new loan to pay back existing debts, and bankruptcy.

What are some of the consequences of bankruptcy?

Bankruptcy is a formal court proceeding. It is quite complicated. The result is that your assets may be taken (except for certain protected items) and most debts are cancelled.

Debts that are not cancelled include:

- debts obtained by fraud.
- taxes.
- debts that were not reported to the bankruptcy court.
- debts for intentional or malicious injury to people or property.
- student loans.

Bankruptcy can have a significant negative effect on your credit rating, making it harder for you to obtain a loan in the future.

MARRIAGE, DIVORCE & CHILDREN

What is the youngest age at which a person can marry?

At age 18, a person can get married without parental consent. In Wisconsin, if written parental consent is provided, an individual can marry at age 16. Even with consent of your parents, you may not marry legally in the State of Wisconsin if you are less than 16 years of age. This requirement cannot be waived under any conditions.



Can we get married in another state or country to avoid Wisconsin marriage laws?

Not if you intend to live in Wisconsin. Your marriage will be void if it doesn't meet Wisconsin's requirements.

Is marriage a contract?

Yes. It is a contract between the man and woman. State law creates the relationship and describes the consequences of divorce or other marital problems.

How does one get a marriage license?

You apply to the county clerk where one of you has resided for at least 30 days and pay the application fee. If neither individual is a resident of Wisconsin, the marriage license should be obtained from the county clerk of the county in which the marriage ceremony will be performed. Unless you pay an extra fee, it will take six days to get the license. The marriage ceremony must occur in the county where the license was issued within 30 days of issuance.

What is required for a valid marriage?

- a valid marriage license
- an authorized official (generally clergy, judge, or family court commissioner)
- two competent adult witnesses
- mutual declarations by the people being married that they take each other as husband and wife

In a marriage, who has to provide support?

Both husband and wife have an obligation to provide for the support of the other and of all minor children. Either spouse may be held liable for basic necessities for the other or for minor children.

Does a non-working spouse have any share in the family's income or assets?

Yes. Under Wisconsin law, certain property of spouses is considered "marital property" and each spouse owns 50 percent of the marital property, including income earned by either spouse during the marriage. Some spouses agree to alter this by entering into a pre- or post-nuptial agreement or what is called a Marital Property Agreement. This is a complex subject. You should talk with a lawyer or call the State Bar of Wisconsin if you want more information about the law.

What happens in a divorce?

A judge will consider child custody, placement (i.e., when the child will spend time with each parent), child support, support needed for either spouse (called "maintenance") and property division. As a general rule, all assets and debts are divided equally, without regard to alleged marital misconduct. There are, however, exceptions to this general rule and you may wish to consult an attorney.

What are the grounds for divorce?

In Wisconsin, there is only one ground or basis for divorce – that the marriage is irretrievably broken. This is often called "no-fault" divorce because "fault" is not an issue.

When a child's parents are not married, how does a man legally become a child's father?

A father can sign what is known as a Voluntary Acknowledgment of Paternity. If he does not want to do so or is unsure whether he is the father, a paternity action can be started by the child, the child's mother, the man who believes he is the father, or a child support agency. If the man cannot afford a lawyer, in certain circumstances one may be appointed for him. Any party has the right to request genetic testing. The question of paternity can be settled by a paternity agreement or, if not settled, a trial will be held to determine who the child's father is. Once a court finds that a man is legally the father of a child, he has a duty to support the child. The court can make orders requiring a parent to pay child support, and either parent can request that the court also consider the child's custody and placement.

May a parent's rights be terminated?

Yes. A court may terminate parental rights for the following reasons: abandonment; a continuing need of protection or services for the child; a continuing parental disability; a continuing court-ordered denial of visitation rights; repeated abuse; or a failure to assume parental responsibility. In addition, parental rights could be terminated if a court finds the child to be delinquent, to have violated civil laws or ordinances, or to be in need of protective services.

What does termination mean?

Termination of parental rights means that all rights, powers, privileges, immunities, duties, and obligations existing between a parent and child are forever ended pursuant to a court order.

What should I do if I am being abused? What if my children are being abused?

The court can issue a temporary restraining order at the request of the victim or by someone acting on behalf of the children. If the court grants a request for a temporary restraining order, the order restrains the abuser from coming to the victim's home or from contacting the victim until a hearing is held, usually within seven days. At the hearing, the person requesting protection will have to prove that protection is needed based on a history of abuse and/or a likelihood that abuse will occur. After a hearing, the judge will decide whether there are grounds to continue to restrain the alleged abuser. If granted, this order can be extended for up to two years. If a domestic abuse restraining order is entered against an individual, that individual cannot own or possess firearms while the order is in place.

Groups in your community may also provide assistance to abused spouses or children, and you may wish to check your telephone book under "Social Services Organizations" or search online for resources near you.

What kind of protection can an abused spouse receive from a court while a divorce action is pending?

The court can order the parties not to interfere with each other's personal liberty or freedom. For instance, the court might order one spouse to leave the home. Anyone disobeying such an order can be fined, jailed, or both.

Can an abused spouse pursue a criminal complaint against the offending spouse?

Yes. If you are abused, immediately call the police or district attorney's office. Get hospital treatment and keep records of injuries, witnesses, police officers, and medical attendants. Get copies of medical reports.

Can an abused spouse bring an action for personal injuries against the offending spouse?

Yes. To do so, a civil action must be started. You should see an attorney to discuss the sufficiency of evidence, the facts that must be proven and the amount of damages or other remedies you could obtain.

ADDITIONAL RESOURCES

CONSUMER PROTECTION & OTHER RESOURCES

Agency	Telephone No. & Web Address

ADVERTISING

Agriculture/Trade/Consumer Protection ..... (800) 422-7128 or (608) 224-4949
datcp.wi.gov

AUTOMOBILE

False Advertising
Div. of Motor Vehicles (Dealers) ..... (608) 266-1425
www.dot.wisconsin.gov

Child Seats
Wisconsin Information Network for Safety 866-511-9467

Dealers-Salesman
Div. of Motor Vehicles-Transportation ..... (608) 266-1425
www.dot.wisconsin.gov

License Complaints
Div. of Motor Vehicles-Transportation ..... (608) 266-1425
www.dot.wisconsin.gov

Leasing
Div. of Motor Vehicles - Transportation ..... (608) 266-1425
www.dot.wisconsin.gov

Repairs
Agriculture/Trade/Consumer Protection ..... (800) 422-7128 or (608) 224-4949
datcp.wi.gov

BANKING

Dept. of Financial Institutions ..... (608) 261-7578
www.wdfi.org

BINGO

Regulation and Licensing ..... (608) 270-2530
www.doa.state.wi.us

BLIND, SERVICES FOR

Dept. of Health and Family Services ..... 888-879-0017 or (608) 266-3109
www.dhfs.wi.gov/programs

BOOKS AND MAGAZINES

Agriculture/Trade/Consumer Protection ..... (800) 422-7128 or (608) 244-4949
datcp.wi.gov

Pornography
County District Attorney

CHARITIES

Registration -Regulation & Licensing ..... (608) 266-5511
www.drl.state.wi.us

Fraud-misrep. - Agriculture/Trade/Consumer Protection ..... (800) 422-7128
www.datcp.state.wi.us

CHEMICALS-DANGEROUS

Agriculture/Trade/Consumer Protection ..... (800) 422-7128 or (608) 224-4949
datcp.wi.gov

CHILD CARE

Abuse or Neglect
Dept. of Children & Families ..... (608) 266-1489
dcf.wi.gov

Adoption Search
Dept. of Children & Families ..... (608) 266-0690
dcf.wi.gov

CONTESTS

Agriculture/Trade/Consumer Protection ..... (800) 422-7128 or (608) 224-4949
datcp.wi.gov

COMPUTER BILLING

Agriculture/Trade/Consumer Protection ..... (800) 422-7128 or (608) 224-4949
datcp.wi.gov

COUPONS & COUPON BOOKS

Agriculture/Trade/Consumer Protection ..... (800) 422-7128 or (608) 224-4949
datcp.wi.gov

CRANE GAMES

Department of Administration - Gaming Div. ..... (608) 270-2530
www.doa.state.wi.us

CREDIT CARDS

Fraud
Agriculture/Trade/Consumer Protection ..... (800) 422-7128 or (608) 224-4949
datcp.wi.gov

Loss & Credit Practices
Dept. of Financial Institutions ..... (608) 261-9555
www.wdfi.org

CREDIT UNIONS

Dept. of Financial Institutions ..... (608) 261-9543
www.wdfi.org

DIRECT SELLING - DOOR-TO-DOOR

Agriculture/Trade/Consumer Protection ..... (800) 422-7128
datcp.wi.gov

DISCRIMINATION/EQUAL RIGHTS

Wisconsin Equal Rights Division ..... (608) 266-3131
dwd.wisconsin.gov/er/

DRIVER'S LICENSES & RELATED QUESTIONS

Dept. of Transportation (commercial) ..... (608) 266-2353
www.dot.state.wi.us/drivers/

Dept. of Transportation (individual) ..... (608) 266-2353

EMPLOYMENT

Dept. of Workforce Development ..... (608) 266-3131
www.dwd.state.wi.us

FIGURE SALONS

Agriculture/Trade/Consumer Protection .....(800) 422-7128 or (608) 224-4949
datcp.wi.gov

FINANCE COMPANIES

Dept. of Financial Institutions .....(608) 261-9555
www.wdfi.org

FOOD SAFETY

Agriculture/Trade/Consumer Protection .....(608) 224-5012
datcp.wi.gov

FUELS-EMERGENCY NEEDS

County Emergency Government Office

GAMBLING/GAMES OF CHANCE

Department of Administration -Gaming Board.....(608) 270-2555 or(608) 224-4949
www.doa.state.wi.us

Dept. of Revenue - Lottery Division. .....(608) 261-8800
revenue.wi.gov

GARAGES - AUTO REPAIR

Agriculture/Trade/Consumer Protection .....(800) 422-7128 or (608) 224-4949
datcp.wi.gov

GAS – RETAIL INSPECTION

Dept. of Commerce/Petroleum Inspection .....(608) 266-7874
www.commerce.wi.gov

PRICE POSTING

Agriculture/Trade/Consumer Protection .....(800) 422-7128 or (608) 224-4949
datcp.wi.gov

HEALTH PRODUCTS

Agriculture/Trade/Consumer Protection .....(800) 422-7128 or (608) 224-4949
datcp.wi.gov

HOTELS & MOTELS

Environmental Sanitation .....(608) 266-2835
www.dhfs.state.wi.us

Unfair Trade

Agriculture/Trade/Consumer Protection .....(800) 422-7128 or (608) 224-4949
datcp.wi.gov

Advertising

Agriculture/Trade/Consumer Protection .....(800) 422-7128 or (608) 224-4949
datcp.wi.gov

HOUSING

Apartment/Housing Dispute

Tenant Resource Center.....(608) 257-0006
www.trc.studentorg.wisc.edu

Fair Housing Centers..... 877-647-3247

Agriculture/Trade/Consumer Protection .....(800) 422-7128 or (608) 224-4949
datcp.wi.gov

Low Income
Dept. of Administration/Housing/Dept. of Commerce ..... (608) 266-1018
www.doa.state.wi.us

Weatherization
Dept. of Administration - Energy Div. ..... (608) 266-8234
www.doa.state.wi.us

INSURANCE

Insurance Commissioner ..... (800) 236-8517 or (608) 266-3585
www.oci.wi.gov

Credit Insurance
Dept. of Financial Institutions ..... (608) 261-9555
www.wdfi.org

Fraud-Code Violation
Insurance Commissioner ..... (800) 236-8517 or (608) 266-3585
www.oci.wi.gov

INSURANCE-INFO

Property-Casualty
Insurance Information Center ..... (800) 236-8517 or (608) 266-3585
www.oci.wi.gov

MEDICAID FRAUD

Dept. of Justice ..... (800) 488-3780
www.doj.state.wi.us

NATURAL RESOURCES

Dept. of Natural Resources ..... (608) 266-2621
www.dnr.state.wi.us

NURSING HOMES

Department of Health and Family Services Ombudsman ..... (800) 815-0015
(Supportive Living Division) www.dhfs.state.wi.us/aging

REFUND AND RETURN POLICIES

Agriculture/Trade/Consumer Protection ..... (800) 422-7128 or (608) 224-4949
datcp.wi.gov

RAFFLES

Dept. of Administration - Gaming Div. ..... (608) 270-2552
www.doa.state.wi.us

SAVINGS & LOAN ASSOCIATIONS

State Chartered Savings & Loan ..... (608) 261-4335
www.wdfi.org
Federal Chartered Savings & Loan 202-906-6000
www.ots.treas.gov

TELEPHONE

Costs & Services
Public Service Commission ..... (800) 225-7729 or (608) 266-2001
www.psc.wi.gov

Solicitation
Agriculture/Trade/Consumer Protection ..... (800) 422-7128 or (608) 224-4949
datcp.wi.gov

TELEVISION

Safety
Agriculture/Trade/Consumer Protection ..... (800) 422-7128 or (608) 224-4949
datcp.wi.gov

UNORDERED MERCHANDISE

Agriculture/Trade/Consumer Protection ..... (800) 422-7128 or (608) 224-4949
datcp.wi.gov

UTILITIES

Billing, Disconnection, etc.
Public Service Commission ..... (800) 225-7729 or (608) 266-2001
www.psc.wi.gov

Citizens Utility Board
Citizens Utility Board ..... (608) 251-3322
www.wiscub.org

PROFESSIONALS

ATTORNEYS

Office of Lawyer Regulation
All counties ..... 877-315-6941 or (608) 267-7274

Milwaukee, Racine, Kenosha, Washington, Ozaukee,
and Waukesha counties 414-227-4623

Fee Arbitration
State Bar of Wisconsin ..... (608) 257-3838
www.wisbar.org

Lawyer Referral & Information Service
State Bar of Wisconsin ..... (800) 362-9082 or (608) 257-4666

OTHER LICENSED PROFFESIONALS

Department of Regulation & Licensing ..... 877-617-1565 or (608) 266-5511

OTHER SOURCES OF ASSISTANCE

American Civil Liberties Union 414-272-4032
www.aclu-wi.org
Bureau of Aging ..... (608) 266-2536
www.dhfs.state.wi.us/aging

Disability Rights Wisconsin ..... www.disabilityrightswi.org
Madison ..... (800) 928-8788 or (608) 267-0214
(TTY) 888-758-6049
Milwaukee ..... (800) 708-3034 or (414) 773-4646
(TTY) 888-758-6049
Rice Lake ..... (877) 338-3724 or (715) 736-1232
(TTY) 888-758-6049

First Call for Help (Contact Your Local United Way) ..... www.unitedwaywi.org

Identity Theft Issues ..... (877) 438-4338
www.fcc.gov

Legal Services for Low-Income Persons ..... http://Badgerlaw.net

Centro Hispano of Dane County ..... (608) 255-3018

Centro Legal - Milwaukee ..... (414) 384-7900

Legal Action of Wisconsin ..... (800) 362-3904
- Green Bay ..... (920) 432-4645
- LaCrosse ..... (608) 785-2809
- Milwaukee-Waukesha ..... (414) 278-7722
- Kenosha ..... (800) 242-5840
- Madison ..... (608) 256-3304
- Oshkosh ..... (920) 233-6521
- Racine ..... (262) 635-8836

Judicare ..... (800) 472-1638

Legal Aid Society of Milwaukee ..... (414) 727-5300

Legislative Hotline ..... (800) 362-9472 or (608) 266-9960

Local Public Defender's Office

County District Attorney's Office

TAX INFORMATION

Federal

IRS ..... (800) 829-5827
www.ustreas.gov

State

Income ..... (608) 266-2772
revenue.wi.gov

Inheritance & Gift ..... (608) 266-2772
www.dor.state.wi.us

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