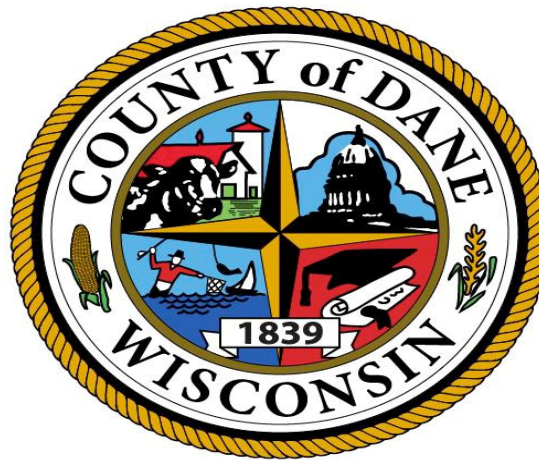


# DANE COUNTY

## CONSUMER PROTECTION



Presented By  
Dane County Office of  
Corporation Counsel

# Consumer Protection

- ❖ What Does Consumer Protection Mean?
  - ❖ Typically, it refers to a number of laws that protect consumers from unfair or deceptive business practices.
  - ❖ Subject matter examples include:
    - ❖ Telemarketing
    - ❖ Charities
    - ❖ Auto Sales & repair
    - ❖ Landlord/Tenant
    - ❖ Debt Collection
    - ❖ Etc.

# Consumer Protection

- ❖ Before discussing any area of the law, it is important to note limitations on County authority:
  - ❖ Unlike Cities, Counties do not have “home rule”
  - ❖ “Counties are creatures of the Legislature, and only have those powers that have been delegated to it.”
- ❖ Must look at statutes to see what authority County possesses
- ❖ Sometimes statutes expressly take away authority: i.e. rent control or stabilization

# Consumer Protection

- ❖ Counties have the following authority in the sphere of consumer protection:
  
- ❖ Creation of a consumer protection agency:
  - ❖ Receive and maintain records of consumer complaints.
  - ❖ Conduct an investigation to determine the validity of the complaint.
  - ❖ Notify the person responsible for the cause of the complaint  
Assist in the resolution of the complaint.
  - ❖ Refer complaints to appropriate agency (usually DATCP) or DA

# Consumer Protection

- ❖ Testing milk and soil.
  - ❖ County can appropriate money and provide office and laboratory space for testing milk and soil and may provide residents of the county with reports of such tests.
- ❖ Truckers, hawkers and peddlers licensing.
  - ❖ County can enact ordinances providing for the licensing of truckers, hawkers and peddlers and provide for the enforcement of the ordinances. The ordinances shall not provide for licensing of fuel vendors or those engaged in the delivery of petroleum products or farmers or truck gardeners who sell farm products grown by themselves.

# Consumer Protection

## ❖ Transient merchants.

- ❖ Counties may, by ordinance, regulate the retail sales, other than auction sales, made by transient merchants, in the towns in the county and provide forfeitures for violations of those provide for licensing of fuel vendors or those engaged in the delivery of petroleum products or farmers or truck gardeners who sell farm products grown by themselves. See DCO 61.01

## ❖ Secondhand car dealers, junking cars.

- ❖ County can license and regulate dealers in secondhand motor vehicles, wreckers of motor vehicles, or the conduct of motor vehicle junking. Such regulation shall not apply to any municipality which enacts an ordinance governing the same subject.

# Consumer Protection

- ❖ Regulation of obscenity.
  - ❖ The County can enact an ordinance to prohibit conduct that is the same as that prohibited by s. 944.21 (sale/distribution of material to minors)