

Annual Fee - \$50
(July-June)

CITY OF PLATTEVILLE
DIRECT SELLER REGISTRATION
(Chapter 31)

No. _____

Municipal Ordinance 31.14 "It shall be unlawful for any direct seller to engage in direct sales within the City of Platteville without being registered for that purpose."

BUSINESS REPRESENTED:

Business Address: _____ Business Phone: _____

City: _____ State: _____ Zip: _____

Temporary Address: _____ Temporary Phone: _____

City: _____ State: _____ Zip: _____

Nature of Business: _____

Description of Goods: _____

Method of Delivery: _____

DIRECT SELLER:

NAME: _____
Last, First, Middle

DOB: _____ Ht: _____ Wt: _____ Hair: _____ Eyes: _____

Home Address: _____ Phone: _____

City: _____ State: _____ Zip: _____

Temporary Address: _____ Temporary Phone: _____

City: _____ State: _____ Zip: _____

Drivers License Information: State: _____ Number: _____

Vehicle Used: _____
Make Model License State

Last cities where applicant conducted similar business:

1 _____ 2 _____ 3 _____

Place applicant can be contacted for seven (7) days after leaving city:

_____ Phone: _____

Have you ever been convicted or do you have pending any crime or ordinance violations related to your transient merchant business in the last five (5) years:

Yes _____ No _____ If Yes, please list.

Signature _____

Date _____

APPOINTMENT OF AGENT FOR SERVICE OF PROCESS

Pursuant to the provisions of Chapter 31 of the Municipal Code of the City of Platteville, I hereby appoint the City Clerk of the City of Platteville as my agent to accept and receive service of any and all process, papers and documents in any civil action commenced against me arising out of any sale or service performed by me or persons working under my direction in connection with direct sales activities which are regulated by the said Chapter 31.

Dated: _____

For Office Use Only:

Proof of Identity: _____

Sealer of Weights: # _____

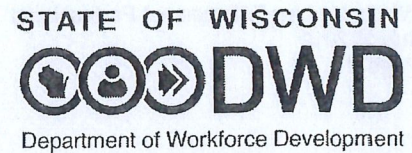
State Health Certificate: _____

Police Department Check: _____

Approved _____ Not Approved _____

City Clerk

Department of Workforce Development
Equal Rights Division
P.O. Box 8928
Madison, WI 53708-8928
Telephone: (608) 266-6860
Fax: (608) 267-4592
TTY: (608) 264-8752



Scott Walker, Governor
Reginald J. Newson, Secretary
Jim Chiolino, Acting Division Administrator

July 3, 2012

Dear Law Enforcement Professional:

As you are aware, regulations enacted in 2010 require businesses that either recruit or use traveling sales crews in Wisconsin to register with the Equal Rights Division of the Department of Workforce Development (DWD) and secure sales permits for each crew member.

These regulations were enacted for the protection of consumers and homeowners, as well as traveling sales company employees, who are often young and can be vulnerable to abuse by their employers. The regulations were put in place under Malinda's Law, which is named after an 18-year-old woman killed in a van crash in Janesville on March 25, 1999. She was one of 7 young people killed and 5 others who were severely injured - all part of a traveling sales crew.

In addition to protecting traveling sales crew members from various abuses and safety code violations, this law seeks to decrease the potential for crime against homeowners by requiring, among other things, criminal background checks of workers going door to door in Wisconsin.

The statute requires law enforcement officers to assist the DWD in enforcing it by questioning individuals seen engaging in traveling sales crew activities and reporting to the department all cases of individuals apparently engaging in activities contrary to the law. Wis. Stat. § 103.34(11)(d). If crew members do not have or refuse to produce proper permits, they should be reported to DWD's Equal Rights Division.

On behalf of the DWD, we thank you for the assistance you have provided us on this issue to date, and we would like to take this opportunity to reinforce the importance of Malinda's Law, particularly during the summer season when Wisconsin workers might be involved with traveling sales crews.

To recap, materials for crew members to complete registration are available by contacting the Equal Rights Division at 608-266-6861, in writing to PO Box 8928, Madison, WI 53708, or online at: http://dwd.wisconsin.gov/er/labor_standards_bureau/traveling_sales_crew.htm.

When entering a community, crew members must have their sales permits stamped by the municipal clerk. Each sales member must carry the permit with them and present it upon request by potential customers or law enforcement personnel.

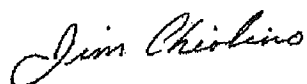
For purposes of these provisions, a "traveling sales crew" is defined as two or more individuals who are employed as salespersons or in related support work, who travel together in a group, and who are absent overnight from their permanent places of residence for the purpose of selling consumer goods or services from house to house, on any street, or in public places.

This law does not apply to fundraising sales by a nonprofit organization or schools, and does not preempt a county, city, village, or town from enacting a local ordinance regulating the sale of goods or services to consumers from house to house, on any street, or in any other place that is open to the public.

If you have questions about the provisions outlined here, or need to file a report on individuals who refuse to produce permits, please contact me by phone at 608-266-3345 or by e-mail at erinfo@dwd.wisconsin.gov.

Thank you for your continued assistance on this matter.

Sincerely,



Jim Chiolino
Acting Division Administrator &
Director, Labor Standards Bureau

31.14 DIRECT SELLERS. (1) Registration Required. It shall be unlawful for any direct seller to engage in direct sales within the City of Platteville without being registered for that purpose as provided herein.

(2) Definitions. In this section:

- (a) "Direct Seller" means any individual who, for him/herself, or for a partnership, association or corporation, sells goods, or takes sales orders for the later delivery of goods, at any location other than the permanent business place or residence of said individual, partnership, association or corporation, and shall include, but not be limited to, peddlers, solicitors and transient merchants. The sale of goods includes donations required by the direct seller for the retention of goods by a donor or prospective customer.
- (b) "Permanent Merchant" means a direct seller who, for at least one year prior to the consideration of the application of this section to said merchant, has continuously operated an established place of business in this City or has continuously resided in the City and now does business from his/her residence.
- (c) "Goods" shall include personal property of any kind, and shall include goods provided incidental to services offered or sold.
- (d) "Charitable Organization" shall include any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such.
- (e) "Clerk" shall mean the City Clerk.

(3) Exemptions. The following shall be exempt from all provisions of this section:

- (a) Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes;
- (b) Any person selling goods at wholesale to dealers in such goods;
- (c) Any person selling agricultural products which such person has grown;
- (d) Any permanent merchant or employee thereof who takes orders away from the established place of business for goods regularly offered for sale by such merchant within this county and who delivers such goods in their regular course of business;
- (e) Any person who has an established place of business where the goods being sold are offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested a home visit by, said person;

- (f) Any person who has had, or one who represents a company which has had a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer;
 - (g) Any person selling or offering for sale a service unconnected with the sale or offering for sale of goods;
 - (h) Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law;
 - (i) Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of said organization, provided that there is submitted to the Clerk proof that such charitable organization is registered under Section 440.41, Wisconsin Statutes, or which is exempt from that statute's registration requirements, shall be required to register under this section;
 - (j) Any person who claims to be a permanent merchant, but against whom complaint has been made to the Clerk that such person is a transient merchant; provided that there is submitted to the Clerk, proof that such person has leased for at least one year, or purchased, the premises from which he/she is conducting business, or proof that such person has conducted such business in this City for at least one year prior to the date complaint was made.
- (4) Registration. (a) Applicants for registration must complete and return to the Clerk a registration form furnished by the Clerk which shall require the following information:
1. Name, permanent address and telephone number, and temporary address, if any;
 2. Date of birth, height, weight, color of hair and eyes;
 3. Name, address and telephone number of the person, firm, association or corporation that the direct seller represents or is employed by, or whose merchandise is being sold;
 4. Temporary address and telephone number from which business will be conducted, if any;
 5. Nature of business to be conducted and a brief description of the goods offered, and any services offered;
 6. Proposed method of delivery of goods, if applicable;

7. Make, model and license number of any vehicle to be used by applicant in the conduct of his/her business;
8. Last cities, villages, towns, not to exceed three, where applicant conducted similar business;
9. Place where applicant can be contacted for at least seven days after leaving this city;
10. Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the least five years; the nature of the offense and the place of conviction.

(b) Applicants shall present to the Clerk for examination:

1. A driver's license or some other proof of identity may be reasonably required;
2. A state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by state authorities;
3. A state Health Officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under state law; such certificate to state that applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the application for license is made.

(c) At the time the registration is returned, a fee as established by the Common Council and amended from time to time via resolution shall be paid to the Clerk to cover the cost of processing said registration.

The applicant shall sign a statement appointing the Clerk his/her agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally.

Upon payment of said fee and the signing of said statement, the Clerk shall register the applicant as a direct seller and date the entry. Said registration shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided in paragraph (5)(b) below.

- (5) Investigation. (a) Upon receipt of each application, the Clerk may refer it immediately to the Police Chief who may make and complete an investigation of the statements made in such registration.
- (b) The Clerk shall refuse to register the applicant if it is determined, pursuant to the investigation above, that: the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns, not exceeding three, in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or the applicant failed to comply with any applicable provision of paragraph (4)(b) above.
- (6) Regulation of Direct Sellers. (a) Prohibited Practices. 1. A direct seller shall be prohibited from: calling at any dwelling or other place between the hours of 9:00 p.m. and 9:00 a.m. except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words "No Peddlers", "No Solicitors" or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.
2. A direct seller shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any good offered for sale, the purpose of his/her visit, his/her identity or the identity of the organization he/she represents. A charitable organization direct seller shall specifically disclose what portion of the sale price of goods being offered will actually be used for the charitable purpose for which the organization is soliciting. Said portion shall be expressed as a percentage of the sale price of the goods.
3. No direct seller shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.
4. No direct seller shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a 100-foot radius of the source.
5. No direct seller shall allow rubbish or litter to accumulate in or around the area in which he/she is conducting business.
- (b) Disclosure Requirements. 1. After the initial greeting and before any other statement is made to a prospective customer, a direct seller shall expressly disclose his/her name, the name of the company or organization he/she is affiliated with, if any, and the identity of goods or services he/she offers to sell.

2. If any sale of goods is made by a direct seller, or any sales order for the later delivery of goods is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than \$25, in accordance with the procedure as set forth in Section 423.203(1)(a)(b) and (c), (2) and (3), Wisconsin Statutes.
 3. If the direct seller takes a sales order for the later delivery of goods, he/she shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance whether full, partial or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.
- (7) Records. The Police Chief shall report to the Clerk all convictions for violation of this section and the Clerk shall note any such violation on the record of the registrant convicted.
- (8) Revocation of Registration. (a) Registration may be revoked by the Common Council after notice and hearing, if the registrant made any material omission or materially inaccurate statement in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in direct sales, violated any provision of this section or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in direct selling.