



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2013 Senate Bill 97	Senate Amendment 1
<i>Memo published:</i> May 29, 2013	<i>Contact:</i> Margit Kelley, Staff Attorney (266-9280) David L. Lovell, Senior Analyst (266-1537)

2013 Senate Bill 97 relates to the state law that limits telephone solicitations to individuals who have placed their telephone numbers on the state “do-not-call” list. Do-not-call laws exist under both state law, for telephone solicitations received by a person in this state, and under federal law, with the national do-not-call registry.

2013 SENATE BILL 97

Senate Bill 97 applies the prohibitions of the state do-not-call law to prerecorded messages (“robo-calls”) placed to residential customers by persons who are not registered solicitors. The prohibition does not apply to any of the following:

- A call placed by a school to a student, parent of a student, or employee of the school.
- A call placed by a person who has a current business or personal relationship with the recipient of the call.
- A call placed by a governmental unit intended to alert the recipient of the call to a danger to the recipient’s health or safety.
- A call placed by a college or university to a graduate of the college or university.
- A call placed by a debt collector for the purpose of collecting a debt.

The bill creates administrative provisions, including registration requirements and fees, for persons other than telephone solicitors using robo-calls, that are similar to those that apply to telephone solicitors.

The bill also makes listings in the state do-not-call directory permanent.

SENATE AMENDMENT 1 TO SENATE BILL 97

Senate Amendment 1 to Senate Bill 97 eliminates the Wisconsin do-not-call directory and instead applies the prohibitions under current law to numbers in what the amendment terms the “state do-not-call registry.” This registry is defined as the portion of the federal registry that consists of telephone numbers with Wisconsin area codes. The amendment authorizes the Department of Agriculture, Trade, and Consumer Protection (DATCP) to cooperate with the Federal Communications Commission (FCC) to add numbers from the current Wisconsin directory to the federal registry. The amendment does not change the specific prohibitions applicable to telephone solicitations under current law.

The amendment specifies that fee revenues are for the administration and enforcement of the do-not-call law and for consumer protection, information, and education. It allows DATCP to establish a basis for the initial registration fee other than the number of lines used by the solicitor. The amendment requires that DATCP rules require a solicitor to provide proof that the solicitor has obtained the state do-not-call registry from the FCC in compliance with federal law, and prohibits the possession or use of a copy of that registry obtained in violation of federal law.

The amendment also creates additional exceptions from limits on nonregistered solicitors’ use of robo-calls for the following:

- A call placed by an in-state, nonprofit organization to provide information in a nonpartisan manner about voting or election times and schedules.
- A call providing the recipient of the call the opportunity to connect with a live operator and participate in a teleconference with an elected official.

BILL HISTORY

On May 29, 2013, the Senate Committee on Energy, Consumer Protection, and Government Reform recommended adoption of Senate Amendment 1, and recommended passage of the bill, as amended, on votes of Ayes, 5; Noes, 0.

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