



2007 ASSEMBLY BILL 5

January 12, 2007 - Introduced by Representatives SCHNEIDER and VRUWINK.
Referred to Committee on Consumer Protection and Personal Privacy.

1 **AN ACT** *to amend* 100.52 (1) (d), 100.52 (1) (f), 100.52 (2) (b) and 100.52 (10) (a);
2 and *to create* 100.52 (1) (bm), 100.52 (4) (a) 4. and 100.52 (10) (c) of the statutes;
3 **relating to:** certain telephone solicitations and creating a penalty.

Analysis by the Legislative Reference Bureau

Current law imposes certain restrictions upon telephone solicitors, including the following: 1) a telephone solicitor may not make a telephone solicitation to a residential customer if the residential customer's telephone number is included in a directory of residential customers who do not wish to receive telephone solicitations (directory); and 2) a telephone solicitor may not make a telephone solicitation to a nonresidential customer who has provided notice to the telephone solicitor by mail that the nonresidential customer does not wish to receive telephone solicitations.

Under current law, the definitions of residential customer and nonresidential customer do not include mobile telephone customers. This bill broadens the definitions of residential customer and nonresidential customer to include persons who have commercial mobile service. As a result, under the bill, cellular telephone numbers may be included in the directory and telephone solicitors may not make telephone solicitations to such cellular telephone numbers. Also under the bill, a nonresidential cellular telephone customer may provide notice by mail to a telephone solicitor that the nonresidential customer does not wish to receive telephone solicitations.

Current law also requires a residential customer who does not wish to receive telephone solicitations to provide biennial notice to the Department of Agriculture,

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Trade and Consumer Protection (DATCP). DATCP must eliminate a customer who fails to give the required notice from the directory. The bill extends the length of time for which a residential customer's notice to DATCP remains effective: under the bill, a residential customer must provide the required notice every five years.

Finally, the bill prohibits a telephone solicitor or an employee or contractor of a telephone solicitor from threatening violence or harassment against the recipient of a telephone solicitation, against a member of the recipient's household, or against the recipient's property. A telephone solicitor, employee, or contractor who violates this prohibition with intent to frighten, intimidate, threaten, abuse, or harass may be sentenced to a term of imprisonment of not more than three years and six months, a fine of not more than \$10,000, or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 100.52 (1) (bm) of the statutes is created to read:

2 100.52 (1) (bm) "Commercial mobile service" has the meaning given in s. 196.01
3 (2i).

4 **SECTION 2.** 100.52 (1) (d) of the statutes is amended to read:

5 100.52 (1) (d) "Nonresidential customer" means a person, other than a
6 residential customer, who is furnished with telecommunications service or
7 commercial mobile service by a telecommunications utility.

8 **SECTION 3.** 100.52 (1) (f) of the statutes is amended to read:

9 100.52 (1) (f) "Residential customer" means an individual who is furnished
10 with basic local exchange service or commercial mobile service by a
11 telecommunications utility, but does not include an individual who operates a
12 business at his or her residence.

13 **SECTION 4.** 100.52 (2) (b) of the statutes is amended to read:

