2007 DRAFTING REQUEST

Bill

Received: **04/23/2007**

Received By: **csundber**

Wanted: **As time permits**

Identical to LRB: **0682/2**

For: **Tim Carpenter (608) 266-8535**

By/Representing: **Stuart Ewy**

This file may be shown to any legislator: **NO**

Drafter: **csundber**

May Contact:

Addl. Drafters:

Subject: **Trade Regulation - other**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Carpenter@legis.wisconsin.gov**

Carbon copy (CC:) to: **christopher.sundberg@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Prohibit autodialer calls

Instructions:

See Attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	csundber 04/23/2007	wjackson 04/23/2007		_____ _____			State
/1			rschluet 04/24/2007	_____ _____	cduerst 04/24/2007	sbasford 04/24/2007	

FE Sent For: AT INTRO.

<END>

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/?	csundber	/1 WLJ 4/23	4/24				

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<END>

4/23/07 Stuart / Carpenter

Senate companion to LRB-0682

In: 4/23/07 Wanted: Soon

2494/1

2007 – 2008 LEGISLATURE

LRB-~~0682/2~~
CTS:wlj:rs
stays

2007 BILL

d-note

No changes

Regen

1 AN ACT ***to create*** 100.523 of the statutes; **relating to:** the use of automatic
2 dialing announcing devices and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill regulates the use of automatic dialing announcing devices. The bill defines an automatic dialing announcing device as a device that dials a telephone number and disseminates, alone or in conjunction with another device, a voice message.

Under the bill, the use of an automatic dialing announcing device to call a residential telephone customer is prohibited unless the recipient has consented in writing or the person using the device obtains the customer's verbal consent using a live operator before disseminating the message. An automatic dialing announcing device must disconnect within ten seconds after a recipient terminates a call. The provisions of the bill do not apply to a call by a school to students, parents, or employees; to a call to a residential customer by a person who has a current business or personal relationship with the customer; or to a call by a governmental unit to alert the recipient to a danger to health or safety.

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.** 100.523 of the statutes is created to read:

2 **100.523 Automatic dialing announcing devices. (1)** In this section:

3 (a) "Automatic dialing announcing device" means a device that does all of the
4 following:

5 1. Dials a telephone number.

6 2. Disseminates, whether alone or in conjunction with another device, a
7 prerecorded or synthesized voice message.

8 (b) "Governmental unit" means an agency of this state or of a city, village, town,
9 or county.

10 (c) "Residential customer" has the meaning given in s. 100.52 (1) (f).

11 **(2)** No person may use an automatic dialing announcing device to call a
12 telephone number pertaining to a residential customer in this state unless all of the
13 following apply:

14 (a) One of the following is true:

15 1. Before the person uses the device to call the telephone number, the person
16 has obtained the residential customer's written authorization to call the customer
17 using an automatic dialing announcing device.

18 2. Before the person uses the device to disseminate a voice message, a live
19 operator has done all of the following:

20 a. Immediately disclosed the name of the person on whose behalf the customer
21 has been called and the purpose of the call, including whether the call is intended to
22 solicit funds.

23 b. Obtained the residential customer's verbal consent to receive a voice
24 message from an automatic dialing announcing device.

1 (b) The automatic dialing announcing device is designed and operated to
2 disconnect not more than 10 seconds after a recipient terminates the connection.
3 **(3)** This section does not apply to any of the following:
4 (a) A call by a school or school district to a student, parent of a student, or an
5 employee.
6 (b) A call to a residential customer initiated by a person who has a current
7 business or personal relationship with the customer.
8 (c) A call by a governmental unit that is intended to alert a recipient of the call
9 to a danger to the recipient's health or safety.
10 **(4)** A person who violates this section may be required to forfeit $100 for each
11 violation.
12 **(END)**

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2494/1dn
CTS:...:...
WLJ

Senator Carpenter:

This bill is identical to LRB-0682/2.

Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
E-mail:
christopher.sundberg@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2494/1dn
CTS:wlj:rs

April 24, 2007

Senator Carpenter:

This bill is identical to LRB-0682/2.

Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
E-mail:
christopher.sundberg@legis.wisconsin.gov

Basford, Sarah

From: Sen.Carpenter
Sent: Tuesday, April 24, 2007 1:26 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-2494/1 Topic: Prohibit autodialer calls

Please Jacket LRB 07-2494/1 for the SENATE.

Thank you,

Regards,

G. Stuart Ewy
Chief of Staff
Office of Senator Tim Carpenter
State Capitol 306 S
608.266.8535