



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2007 Senate Bill 99**

**Senate  
Amendments 1 and 2**

*Memo published: May 6, 2007 (Revised December 12, 2007) Contact: Dan Schmidt, Senior Analyst (267-7251)*

**Current law** generally prohibits a telephone solicitor from making a telephone solicitation to a residential customer if the customer's telephone number is included in the Department of Agriculture, Trade and Consumer Protection (DATCP) directory of residential customers who do not wish to receive telephone solicitations. Current law generally applies to land lines and only allows traditional "land line" customers to request inclusion in the DATCP nonsolicitation directory. The fees for maintaining the directory are based on the cost of maintenance.

Current law also prohibits a telephone solicitor from making a telephone solicitation to a customer that has notified the solicitor by mail that the customer does not wish to receive telephone solicitations and only permits facsimile solicitations under certain specified conditions.

The current penalty for a violation of the telephone solicitation restrictions is a forfeiture of not more than \$100 for each violation.

The penalty for a violation of the facsimile solicitation is a forfeiture of not more than \$500, unless the violation is committed against an elderly or disabled person in which case a supplemental forfeiture not to exceed \$10,000 may be imposed if certain specified factors are present.

**2007 Senate Bill 99** permits the inclusion of cellular telephone service customer numbers in the DATCP nonsolicitation directory. The bill permits a small business to request the inclusion of a land line or cellular telephone number in the directory. The bill requires DATCP to collect the fees for maintaining the directory in quarterly installments and requires DATCP to make certain adjustments if collections exceed expenditures.

The bill prohibits a telephone solicitor from making a telephone solicitation to a customer who has verbally informed the solicitor that the customer does not wish to receive telephone solicitations and prohibits facsimile solicitations without the recipient's consent.

The bill increases the penalty for a violation of the telephone solicitation restrictions to a forfeiture of not less than \$1,000 nor more than \$10,000 and establishes a private right of action for individuals who suffer damages as the result of a violation.

*Senate Amendment 1* modifies the bill to establish a second, separate nonsolicitation directory for small businesses and also establishes an effective date of the first day of the 12<sup>th</sup> month beginning after publication.

*Senate Amendment 2* makes the technical change of returning the renumbered prohibition on facsimile solicitations to the supplemental forfeiture provision for certain violations against elderly or disabled persons. The renumbered provision was inadvertently not included in the bill.

**Legislative History**

On May 2, 2007, the Senate Committee on Small Business, Emergency Preparedness, Workforce Development, Technical Colleges and Consumer Protection adopted Senate Amendments 1 and 2 on a vote of Ayes, 5; Noes, 0, and recommended passage of 2007 Senate Bill 99, as amended, on a vote of Ayes, 3; Noes, 2.

DWS:jb;wu