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Details:

(FORM UPDATED: 08/11/2010)

## **WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS**

### **2009-10**

(session year)

### **Senate**

(Assembly, Senate or Joint)

### **Committee on ... Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection (SC-SBEPTCCP)**

### **COMMITTEE NOTICES ...**

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

### **INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL**

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
  - (**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)
  - (**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

## Senate

### Record of Committee Proceedings

#### **Committee on Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection**

##### **Senate Bill 218**

Relating to: penalties and private actions for violations of restrictions on telephone solicitations.

By Senators Erpenbach, Taylor, Coggs, Hansen and Vinehout; cosponsored by Representatives Roys, Schneider, Berceau, Black, A. Ott, Jorgensen, Pope-Roberts, Zepnick, Gunderson and Hintz.

May 26, 2009            Referred to Committee on Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection.

July 22, 2009            **PUBLIC HEARING HELD**

Present:    (5)    Senators Wirch, Plale, Holperin, Hopper and Lazich.  
Absent:    (0)    None.

##### Appearances For

- Michelle Reinen, Madison — Dept of Agriculture, Trade and Consumer Protection
- Jon Erpenbach — Senator, 27th Senate District

##### Appearances Against

- None.

##### Appearances for Information Only

- None.

##### Registrations For

- None.

##### Registrations Against

- Tom Larson, Madison — Wisconsin Realtors Association
- Bill Smith, Madison — National Federation of Independent Business

##### Registrations for Information Only

- None.

August 13, 2009            **EXECUTIVE SESSION HELD**

Present:    (5)    Senators Wirch, Plale, Holperin, Hopper and Lazich.

Absent: (0) None.

Moved by Senator Plale, seconded by Senator Holperin that **Senate Amendment LRBa0590** be recommended for introduction.

Ayes: (5) Senators Wirch, Plale, Holperin, Hopper and Lazich.

Noes: (0) None.

INTRODUCTION OF SENATE AMENDMENT LRBA0590 RECOMMENDED,  
Ayes 5, Noes 0

Moved by Senator Hopper, seconded by Senator Lazich that **LRBa0590** be recommended for adoption.

Ayes: (2) Senators Hopper and Lazich.

Noes: (3) Senators Wirch, Plale and Holperin.

ADOPTION OF LRBA0590 NOT RECOMMENDED, Ayes 2, Noes 3

Moved by Senator Plale, seconded by Senator Wirch that **Senate Bill 218** be recommended for passage.

Ayes: (5) Senators Wirch, Plale, Holperin, Hopper and Lazich.

Noes: (0) None.

PASSAGE RECOMMENDED, Ayes 5, Noes 0

Michael Tierney  
Committee Clerk



State of Wisconsin  
Jim Doyle, Governor

Department of Agriculture, Trade and Consumer Protection  
Rod Nilsestuen, Secretary

July 22, 2009

The Honorable Robert Wirch, Chair  
Committee on Small Business, Emergency Preparedness,  
Workforce Development, Technical Colleges and Consumer Protection

**Re: SB 218 relating to penalties and private actions for violations of restrictions on telephone solicitation.**

Dear Senator Wirch:

Thank you for the opportunity to provide testimony on SB 218. The Department of Agriculture, Trade & Consumer Protection supports this legislation.

The proposed legislation increases the maximum forfeiture for violating the no-call law from \$100 to a range of \$1,000 to \$10,000 per violation.

The current penalty of \$100 per violation does little to deter unscrupulous telemarketers who can make more money by violating the law than by following it, even if they have to pay \$100 per violation. Since the purpose of the law is to prevent telemarketing to those on the no-call list, a range of penalties provides courts with greater flexibility to "make the punishment fit the crime."

The department also supports the addition of a private right of action for consumers who want to bring their own action for violations of the law. The private right of action provides that if a consumer brings an action and proves a no-call violation, they obtain a judgment for \$500 plus court costs and reasonable attorney's fees. This penalty does not replace forfeiture actions. Rather, it recognizes that consumers, themselves, have a legitimate interest in enforcing the no-call law.

Thank you.

Respectfully,

A handwritten signature in cursive script that reads "Janet Jenkins".

Janet Jenkins, Administrator  
Division of Trade and Consumer Protection

*Agriculture generates \$51.5 billion for Wisconsin*