

2013 DRAFTING REQUEST

Bill

Received: 9/25/2012 Received By: mkunkel
Wanted: As time permits Same as LRB: -1823
For: André Jacque (608) 266-9870 By/Representing: Michael Murphy
May Contact: Drafter: mkunkel
Subject: Trade Regulation - other Addl. Drafters:
Extra Copies: MPG

Submit via email: YES
Requester's email: Rep.Jacque@legis.wi.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Add automated political calls to do not call list

Instructions:

redraft 2011 AB 111

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|----------------------|----------------------|-----------------------|----------------|-----------------------|---------------------|-----------------|
| /? | mkunkel 9/25/2012 | scalvin 10/1/2012 | | _____ | | | |
| /1 | | | jfrantze 10/1/2012 | _____ | sbasford 10/1/2012 | lparisi 3/7/2013 | State |

FE Sent For:

*at intro
3/26*

<END>

2013 DRAFTING REQUEST

Bill

Received: **9/25/2012** Received By: **mkunkel**
Wanted: **As time permits** Companion to LRB:
For: **Andre Jacque (608) 266-9870** By/Representing: **Michael Murphy**
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|--------------|----------------|-----------------|---------------|-------------------------------------------------------------------------------------|------------------|-----------------|-----------------|
| /? | mkunkel | SAC / 10/1/12 | SAC / 10/1/12 |  | | | |

FE Sent For:

<END>

Kunkel, Mark

From: Murphy, Michael
Sent: Monday, September 24, 2012 11:50 AM
To: Kunkel, Mark
Subject: Bill Redrafts

Hello Mark,

Could you please redraft the following bill from last year for the new session?

LRB-1261

Thanks!

MICHAEL P. MURPHY

OFFICE OF STATE REPRESENTATIVE

André Jacque

2ND ASSEMBLY DISTRICT
P.O. Box 8953 • Madison, WI 53708-8952
(608) 266-9870 • Fax: (608) 282-3602
Toll-Free: (888) 534-0002
Rep.Jacque@legis.wi.gov



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1261/2
GTS:jld:mdt

MOK: SAC

B-NOTE

2011 ASSEMBLY BILL 111

*IN
9-25*

-0144/1

*RM
NOT
RUN*

April 27, 2011 - Introduced by Representatives JACQUE, NERISON, VAN ROY, STRACHOTA, WYNN, SPANBAUER, PETERSEN, MURSAU, BIES and WEININGER, cosponsored by Senators HARSDORF and SCHULTZ. Referred to Committee on Consumer Protection and Personal Privacy.

-regen cat

1 AN ACT *to amend* 20.115 (8) (jm), 100.52 (title), 100.52 (2) (b), 100.52 (2) (c) and
2 100.52 (2) (d); and *to create* 100.52 (6m) of the statutes; relating to:
3 prohibiting certain telephone calls using electronically prerecorded messages,
4 rules for requesting a listing in the nonsolicitation directory, granting
5 rule-making authority, and making an appropriation.

or text message

Analysis by the Legislative Reference Bureau

Current law regulates "telephone solicitation," which is defined as the unsolicited initiation of a telephone conversation for the purpose of encouraging the recipient of the telephone call to purchase property, goods, or services. Generally, under current law, a telephone solicitor may not make a telephone solicitation to a residential customer if the customer's telephone number is included in a nonsolicitation directory maintained by the Department of Agriculture, Trade and Consumer Protection (DATCP) listing residential customers who do not wish to receive telephone solicitations. Current law also prohibits a telephone solicitor from using an electronically prerecorded message in a telephone solicitation made to any recipient without the recipient's consent. Nonprofit organizations are not subject to current law regulating telephone solicitations.

This bill prohibits any person from using an electronically prerecorded message in an unsolicited telephone call to a residential customer whose telephone number is included in the nonsolicitation directory, subject to the following exceptions: 1) a call initiated by a school or school district to a student, a parent of a student, or an

ASSEMBLY BILL 111

1 (im) for establishing and maintaining the nonsolicitation directory under s. 100.52

2 (2).

x

3 SECTION 2. 100.52 (title) of the statutes is amended to read:

4 **100.52 (title) Telephone solicitations and electronically prerecorded**
5 **messages.**

6 SECTION 3. 100.52 (2) (b) of the statutes is amended to read:

7 100.52 (2) (b) The department shall promulgate rules for establishing,
8 maintaining, and semiannually updating a directory that includes listings of
9 residential customers who do not wish to receive telephone solicitations made on
10 behalf of telephone solicitors. The rules promulgated under this paragraph shall
11 establish requirements and procedures for a residential customer to request a listing
12 in the directory. ~~The rules shall also require a residential customer who requests a~~
13 ~~listing in the directory to notify the department on a biennial basis if the residential~~
14 ~~customer wishes to continue to be included in the directory. The department shall~~
15 ~~eliminate a residential customer from the directory if the customer does not make~~
16 ~~the biennial notification, but may not require a residential customer to periodically~~
17 ~~renew his or her request as a condition of continuing to include the listing in the~~
18 ~~directory.~~

19 SECTION 4. 100.52 (2) (c) of the statutes is amended to read:

20 100.52 (2) (c) Except for copies of the nonsolicitation directory that are provided
21 to registered telephone solicitors under par. (d) and to persons registered under sub.
22 (6m) (c), the nonsolicitation directory is not subject to inspection, copying, or receipt
23 under s. 19.35 (1) and may not be released by the department.

24 SECTION 5. 100.52 (2) (d) of the statutes is amended to read:

x

ASSEMBLY BILL 111

SECTION 5

1 100.52 (2) (d) The department shall, on a semiannual basis, make the
2 nonsolicitation directory available by electronic transmission only to telephone
3 solicitors who are registered under sub. (3) and to persons registered under sub. (6m)
4 (c). Upon the request of a telephone solicitor registered under sub. (3), the
5 department shall also provide a printed copy of the nonsolicitation directory to the
6 telephone solicitor. A telephone solicitor who receives a copy of the directory, or to
7 whom the directory is made available by electronic transmission, under this
8 paragraph or a person who receives a copy of the directory under sub. (6m) (c) may
9 not solicit or accept from any person, directly or indirectly, anything of value in
10 exchange for providing the person with any information included in the copy.

11 **SECTION 6.** 100.52 (6m)[✓] of the statutes is created to read:

12 100.52 (6m) ELECTRONICALLY PRERECORDED MESSAGES. (a) A person other than
13 a telephone solicitor or an employee or contractor of a telephone solicitor may not use
14 an electronically prerecorded message in an unsolicited telephone call to a
15 residential customer if the nonsolicitation directory includes a listing for the
16 residential customer.

17 (b) Paragraph (a) does not apply to any of the following:

18 1. A call initiated by a school, including a postsecondary school, or school
19 district to a student, a parent of a student, or an employee.

20 2. A call initiated to a residential customer by a person who has a current
21 business or personal relationship with the customer.

22 3. A call initiated by a governmental unit that is intended to alert a recipient
23 of the call to a danger to the recipient's health or safety.

24 4. A call initiated by a college or university to a graduate of the college or
25 university.

ASSEMBLY BILL 111

1 5. A call initiated by a debt collector for the purpose of collecting a debt.

2 (c) The department shall promulgate rules that require any person who uses,
3 or requires an employee or contractor to use, an electronically prerecorded message
4 in a telephone call to a residential customer in this state, other than the telephone
5 calls specified in par. (b) 1. to 5., to register with the department and pay a
6 registration fee to the department. The rules shall provide that a registration under
7 this paragraph is valid for one year and may be renewed upon payment of a renewal
8 fee to the department. The department shall establish registration and renewal fees
9 under this paragraph equal to fees applicable to telephone solicitors under sub. (3)
10 (a), except that the registration and renewal fees for nonprofit organizations may not
11 exceed one-tenth of the fees applicable to telephone solicitors under sub. (3) (a).

12

(END)

Daste

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0144/1dn
MDK:.)....

Sac

- date -

Rep. Jacque:

This is a redraft of 2011 AB 111. If you need any changes, please contact me.

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0144/1dn
MDK:sac:jf

October 1, 2012

Rep. Jacque:

This is a redraft of 2011 AB 111. If you need any changes, please contact me.

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

Parisi, Lori

From: Julian, Jamie
Sent: Thursday, March 07, 2013 11:39 AM
To: LRB.Legal
Subject: Please Jacket: LRB -0144/1 Topic: Add automated political calls to do not call list

Jamie Julian – 266-9870

Please Jacket LRB -0144/1 for the ASSEMBLY.