



State of Wisconsin
Governor Scott Walker

Department of Agriculture, Trade and Consumer Protection
Ben Brancel, Secretary

DATE: April 20, 2015

TO: Bruce Hoesly, Legislative Reference Bureau
One East Main Street, Suite 200

FROM: Ben Brancel, Secretary

SUBJECT: **Ch. ATCP 127 – Telephone Solicitation and Do-Not-Call Registry; Final Rule (Clearinghouse Rule #14-050)**

The Department of Agriculture, Trade and Consumer Protection (DATCP) hereby submits the following rule for publication:

CLEARINGHOUSE RULE #: 14-050

SUBJECT: Telephone Solicitation and Do-Not-Call Registry

ADM. CODE REFERENCE: ATCP 127

DATCP DOCKET #: 14-R-08

We are enclosing a copy of the final rule, as adopted by DATCP. We are also providing the following information for publication with the rule, as required by s. 227.114(6), Stats.

Business Impact Analysis (Summary)

This rule affects businesses in the following ways:

Telephone solicitors that are currently registered with DATCP but not with the FTC.

Under s. 100.52, Stats., and this rule, telephone solicitors will be required to register with DATCP and also with the FTC. Most telephone solicitors have been registered with both DATCP and the FTC and will not be impacted by this requirement. The few solicitors who have only registered with DATCP will incur an additional registration fee with the FTC. The first five area codes in a national do-no-call registry subscription are free, so this annual access fee would be \$59 for the 6th Wisconsin area code.

Offsetting this added fee, telephone solicitors will no longer be required to pay the following fees:

- \$25 for each additional email address to receive a compact disc containing the no-call list.
- \$25 for each mailing address to receive a compact disc containing the no-call list.
- \$1,000 for each mailing address to receive the no-call list in a hard-copy printed form.

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Many of the businesses affected by this rule are “small businesses.” However, given the subject matter, there are very few accommodations or special exceptions that can be made for small businesses.

This rule and DATCP’s administrative efforts related to the rule benefit large and small businesses alike. For example:

- DATCP publishes a fact sheet for solicitors, clearly explaining the requirements and prohibitions contained in the rule.
- DATCP administers and enforces violations of the rule which ensures a level playing field for all businesses.

This rule will have minimal impact on affected businesses, including “small businesses.” Negative effects, if any, will be few and limited. This rule will not have a significant adverse effect on “small business,” and is not subject to the delayed “small business” effective date provided in s. 227.22(2)(e), Stats.

Comments from Legislative Committees (Summary)

On January 26, 2015, DATCP transmitted the above rule for legislative committee review. The rule was assigned to the Assembly Committee on Consumer Protection and the Senate Committee on Agriculture, Small Business, and Tourism. Neither committee took action. The Senate referred the rule to the Joint Committee for Review of Administrative Rules (JCRAR) on March 9, 2015 and the Assembly referred it to JCRAR on March 17, 2015. JCRAR took no action on the rule.