



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 61
[2005 Assembly Bill 103]

**Unsolicited Facsimile
Transmissions and Disclosure of
Facsimile Numbers**

The state regulates facsimile solicitations, defined as “the unsolicited transmission of a document by a facsimile machine for the purpose of encouraging a person to purchase property, goods, or services.” Section 134.72 (1) (b), Stats. The law prohibits a person from making a fax solicitation without the consent of the person solicited unless: (1) the document transmitted by a fax machine does not exceed one page in length and is received by the person solicited after 9:00 p.m. and before 6:00 a.m.; and (2) the person making the fax solicitation has had a previous business relationship with the person solicited. Section 134.72 (2) (a), Stats. Further, a person may not make a fax solicitation to a person who has notified the fax solicitor in writing or by fax that the person does not want to receive fax solicitations. Section 134.72 (2) (b), Stats.

Violation of a prohibition under this law is subject to a \$500 forfeiture. Section 134.72 (4), Stats.

2005 Wisconsin Act 61 provides that, in addition to the existing limitations, a person may not make a facsimile solicitation without the consent of the person solicited unless the transmitted document includes the name of the person making the transmission.

The Act provides that a fax solicitor who has received notice that a person does not want to receive faxes may not disclose to another the fax number of the person who gave the notice. A violation of this prohibition is subject to a maximum \$500 forfeiture; each prohibited disclosure of a fax number is a separate violation.

The Act also provides that a person not wanting to receive a fax solicitation may provide notice of this to the fax solicitor by telephone, as an alternative to providing notice in writing or by fax.

Effective Date: The Act takes effect on July 1, 2006.

Prepared by: David L. Lovell, Senior Analyst

January 18, 2006

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.state.wi.us/>.