



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2001 Senate Bill 212

Assembly Amendment 1

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Contact: Dan Schmidt, Analyst (267-7251)

Current law restricts the transmittal of unsolicited messages by fax machine if the message is sent for the purpose of encouraging customers to purchase property, goods or services. Current law does not prohibit the transmission of unsolicited electronic mail.

2001 Senate Bill 212 imposes similar restrictions on electronic mail solicitations to those imposed on unsolicited facsimile messages. [The bill defines an electronic mail solicitation as the unsolicited transmission of a message by electronic mail for the purpose of encouraging a person to purchase property, goods or services.] Under the bill, a solicitor, or person who makes an electronic mail solicitation, may not transmit an unauthorized electronic mail solicitation unless all of the following apply:

1. The electronic mail solicitation will not exceed one page in length if printed.
2. The electronic mail solicitation is transmitted after 9:00 p.m. and before 6:00 a.m.
3. The solicitor has or has had a business relationship with the person solicited.

The bill also prohibits a solicitor from making an electronic mail solicitation to a person who has notified the solicitor in writing or by electronic mail that he or she does not want to receive such electronic mail solicitations.

The bill's restrictions do not apply to Internet service providers (ISPs) who transmit electronic mail solicitations, other than their own, to electronic mail users.

Senate Amendment 1 provides that a person who notifies a solicitor that he or she does not wish to receive any electronic mail solicitations must provide such notification at least 30 days before the solicitor makes a solicitation. Upon receiving notification of an individual's desire not to receive electronic mail solicitations, a solicitor has 30 days to comply with the individual's request.

The amendment also clarifies that the provisions of the bill *do not* prohibit an ISP from adopting and implementing more restrictive electronic mail solicitation policies or enforcing more restrictive contracts prohibiting electronic mail solicitations.

Senate Amendment 1 was recommended for adoption by the Senate Committee on Privacy, Electronic Commerce and Financial Institutions by a vote of Ayes, 5, Noes, 0, on September 26, 2001.

Senate Bill 212, as amended, was recommended for passage by the Senate Committee on Privacy, Electronic Commerce and Financial Institutions by a vote of Ayes, 3, Noes, 2, on September 26, 2001.

DWS:jal;ksm