



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2005 Assembly Bill 103

**Assembly
Amendments 1, 2, and 3**

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Current law 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 current law is subject to a \$500 forfeiture. Section 134.72 (4), Stats.

2005 Assembly Bill 103 provides that a fax solicitor who has received written 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 would be subject to a maximum \$500 forfeiture.

Assembly Amendment 1

Assembly Amendment 1 provides that each prohibited disclosure of a fax number under the bill is a separate violation.

Assembly Amendment 2

Assembly Amendment 2 authorizes notice of not wanting to receive a fax solicitation to be made by telephone, as an alternative to in writing or by fax.

Assembly Amendment 3

Assembly Amendment 3 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.

Legislative History

The Assembly adopted Assembly Amendments 1, 2, and 3 and passed the bill, as amended.

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