



1999 ASSEMBLY BILL 334

May 11, 1999 - Introduced by Representatives FOTI, GUNDERSON, STASKUNAS, BOCK, BRANDEMUEHL, GRONEMUS, HAHN, KELSO, KLUSMAN, F. LASEE, M. LEHMAN, MILLER, MONTGOMERY, MUSSER, OLSEN, OWENS, PETROWSKI, PLOUFF, POWERS, STONE and BLACK, cosponsored by Senators PANZER, ERPENBACH, BAUMGART, DARLING, FARROW, HUELSMAN, PLACHE and CLAUSING. Referred to Committee on Information Policy.

1 **AN ACT to renumber** 134.72 (1) (a); **to amend** 134.72 (3) (a), 134.72 (3) (b),
2 767.265 (2r) and 968.01 (1); **to repeal and recreate** 134.72 (title); and **to**
3 **create** 134.72 (1) (ae) and 134.72 (2) (c) of the statutes; **relating to:** electronic
4 mail solicitations.

Analysis by the Legislative Reference Bureau

This bill imposes certain requirements on “electronic mail solicitations”, which are defined as unsolicited electronic mail messages that are sent for the purpose of encouraging the purchase of property, goods or services. Under the bill, a person may not make an electronic mail solicitation unless the person includes the letters “ADV” at the beginning of the message’s subject. If the purpose of the electronic mail solicitation is to encourage a person to purchase property, goods or services that may not be purchased by or provided to minors, the letters “ADV: ADULT” must be included at the beginning of the message’s subject. In addition, an electronic mail solicitation must include a statement at the beginning of the message that identifies a toll-free telephone number or return electronic mail address that the recipient may use to direct the sender not to make any other electronic mail solicitations. An employer may also use the telephone number or address to direct a person not to make electronic mail solicitations to electronic mail addresses that the employer

ASSEMBLY BILL 334

provides for employes. If a recipient or employer makes such a direction, the bill prohibits a person from making other electronic mail solicitations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 134.72 (title) of the statutes is repealed and recreated to read:

2 **134.72 (title) Telephone, facsimile and electronic mail solicitations.**

3 **SECTION 2.** 134.72 (1) (a) of the statutes is renumbered 134.72 (1) (am).

4 **SECTION 3.** 134.72 (1) (ae) of the statutes is created to read:

5 **134.72 (1) (ae)** “Electronic mail solicitation” means an unsolicited electronic
6 mail message that is sent for the purpose of encouraging a person to purchase
7 property, goods or services.

8 **SECTION 4.** 134.72 (2) (c) of the statutes is created to read:

9 **134.72 (2) (c) *Electronic mail solicitations.*** 1. No person may make an
10 electronic mail solicitation unless the person does all of the following:

11 a. Includes the letters “ADV” at the beginning of the subject of the electronic
12 mail message or, if the electronic mail solicitation is sent for the purpose of
13 encouraging a person to purchase property, goods or services that may not be
14 purchased by or sold or provided to a minor, includes the letters “ADV: ADULT” at
15 the beginning of the subject of the electronic mail message.

16 b. Establishes and maintains a toll-free telephone number or return electronic
17 mail address that allows the recipient of the electronic mail solicitation to direct the
18 person not to make any other electronic mail solicitation to the recipient.

19 c. Includes a statement at the beginning of the electronic mail solicitation that
20 identifies the toll-free telephone number or return electronic mail address specified
21 in subd. 1. b. and that notifies the recipient that the recipient may use the toll-free

ASSEMBLY BILL 334

1 telephone number or return electronic mail address to direct the person not to make
2 any other electronic mail solicitation to the recipient. A statement required under
3 this subd. 1. c. shall be displayed in the same font size as the majority of the text in
4 the electronic mail solicitation.

5 2. A person may not make an electronic mail solicitation to a recipient of a prior
6 electronic mail solicitation made by the person if the recipient uses the toll-free
7 telephone number or return electronic mail address specified in subd. 1. b. to direct
8 the person not to make any other electronic mail solicitation to the recipient.

9 3. A person may not make an electronic mail solicitation to an electronic mail
10 address that an employer provides for an employe if the employer uses the toll-free
11 telephone number or return electronic mail address specified in subd. 1. b. to direct
12 the person not to make the electronic mail solicitation.

13 **SECTION 5.** 134.72 (3) (a) of the statutes is amended to read:

14 134.72 (3) (a) *Intrastate.* This section applies to any intrastate telephone
15 solicitation ~~or intrastate~~, facsimile or electronic mail solicitation.

16 **SECTION 6.** 134.72 (3) (b) of the statutes is amended to read:

17 134.72 (3) (b) *Interstate.* This section applies to any interstate telephone
18 solicitation, ~~or interstate~~, facsimile or electronic mail solicitation, received by a
19 person in this state.

20 **SECTION 7.** 767.265 (2r) of the statutes, as affected by 1997 Wisconsin Act 191,
21 section 414, is amended to read:

22 767.265 (2r) Upon entry of each order for child support, maintenance, family
23 support or support by a spouse and upon approval of each stipulation for child
24 support, unless the court finds that income withholding is likely to cause the payer
25 irreparable harm or unless s. 767.267 applies, the court, family court commissioner

ASSEMBLY BILL 334

1 or county child support agency under s. 59.53 (5) shall provide notice of the
2 assignment by regular mail or by facsimile machine, as defined in s. 134.72 (1) ~~(a)~~
3 (am), or other electronic means to the last-known address of the person from whom
4 the payer receives or will receive money. The notice shall provide that the amount
5 withheld may not exceed the maximum amount that is subject to garnishment under
6 15 USC 1673 (b) (2). If the department or its designee, whichever is appropriate, does
7 not receive the money from the person notified, the court, family court commissioner
8 or county child support agency under s. 59.53 (5) shall provide notice of the
9 assignment to any other person from whom the payer receives or will receive money.
10 Notice under this subsection may be a notice of the court, a copy of the executed
11 assignment or a copy of that part of the court order directing payment.

12 **SECTION 8.** 968.01 (1) of the statutes is amended to read:

13 968.01 (1) "Facsimile machine" has the meaning given in s. 134.72 (1) ~~(a)~~ (am).

14 (END)