



2011 SENATE BILL 185

September 14, 2011 - Introduced by Senators WANGGAARD, CARPENTER, WIRCH, KEDZIE, MOULTON, SCHULTZ, TAYLOR and LASSA, cosponsored by Representatives PETRYK, JACQUE, PASCH, KESTELL, J. OTT, TRANEL, STRACHOTA, SINICKI, KAPENGA, RIPP, C. TAYLOR, SPANBAUER, BERNARD SCHABER and ENDSLEY. Referred to Committee on Energy, Biotechnology, and Consumer Protection.

1 **AN ACT to amend** 100.52 (1) (i) of the statutes; **relating to:** regulating text
2 messages as telephone solicitations for purposes of the no call list.

Analysis by the Legislative Reference Bureau

Current law regulates “telephone solicitation,” which is defined as the unsolicited initiation of a telephone conversation for the purpose of encouraging the recipient of the telephone call to purchase property, goods, or services. With certain exceptions, current law prohibits a telephone solicitor from making a telephone solicitation to a residential telephone customer if the customer’s telephone number is included in a directory maintained by the Department of Agriculture, Trade and Consumer Protection (DATCP) that lists customers who do not wish to receive telephone solicitations. The directory is commonly referred to as the “no call list.” A violation of the prohibition is subject to a forfeiture of \$100. The prohibition does not apply to a telephone solicitation that is: 1) made by or on behalf of a nonprofit organization; 2) made in response to a request for the solicitation; or 3) made to a current client of the seller that is the reason for the solicitation.

This bill defines “telephone solicitation” so that it also includes the unsolicited initiation of a text message for the purpose of encouraging the recipient of the text message to purchase property, goods, or services. As a result, subject to the exceptions described above, the bill prohibits a person from making such a text

