

1981 Assembly Bill 757

Date published: April 26, 1982

CHAPTER 271 , Laws of 1981

AN ACT to create 134.43 of the statutes, relating to the right to privacy in regard to cable television and providing penalties.

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

SECTION 1. Legislative intent. The legislature finds that the use of cable television may infringe on the right of privacy in this state. Therefore, the legislature finds that it is necessary to regulate those aspects of cable television operations that may infringe upon an individual's privacy.

SECTION 2. 134.43 of the statutes is created to read:

134.43 Privacy and cable television. (1) (a) Upon the request of the subscriber, each cable television connection capable of transmitting a message from the cable equipment shall be fitted with a device under the control of the subscriber that enables the subscriber to prevent reception and transmission of messages identified in par. (b) by the subscriber's cable equipment.

(b) The device in par. (a) shall control all messages received and transmitted by the subscriber's cable equipment except messages recurring at constant intervals, including those related to security, fire and utility service.

(c) Each cable television subscriber shall be notified in writing by the person providing the cable television service of the opportunity to request the device under par. (a).

(d) No cable television subscriber may be required to pay any extra fee for the installation and operation of a device requested under par. (a).

(2) No person may intrude on the privacy of another by doing any of the following without the written consent of the subscriber given within the preceding 2 years:

(a) Monitor the subscriber's cable equipment or the use of it, except to verify the system's integrity or to collect information for billing of pay services.

(b) Provide anyone with the name or address or other information that discloses or reasonably leads to the disclosure of any aspect of the behavior, including but not limited to individual habits, preferences or finances, of the subscriber or of a member of the subscriber's household.

(c) Conduct research that requires the response of the subscriber or of any member of the subscriber's household, except by mail or personal interview, unless the subscriber or household member has been notified in writing before the research begins and at least once each month while the research is being conducted.

(2m) (a) A person may supply the name, address or other information identifying a cable television subscriber or member of the subscriber's household to another person if the person receiving the information uses it only for billing of pay services or to send listings of cable television programs to the subscriber and if the subscriber is notified in writing of that supplying of information, given the opportunity to object to that supplying and does not object to that supplying.

(b) Any person receiving information under par. (a) may use it only for the purposes specified in par. (a) and is otherwise subject to sub. (2).

(3) Any person who is the victim of an intrusion of privacy under this section is entitled to relief under s. 895.50 (1) and (4) unless the act is permissible under ss. 968.27 to 968.33.

(4) Any person who violates this section is subject to a forfeiture of not to exceed \$50,000 for a first offense and not to exceed \$100,000 for a 2nd or subsequent offense.

(5) Damages under sub. (3) are not limited to damages for pecuniary loss but shall not be presumed in the absence of proof.

SECTION 4. Effective date. This act takes effect on the first day of the 6th month after publication.
