



## 2009 SENATE BILL 588

March 4, 2010 - Introduced by Senators WIRCH, LEHMAN, RISSER and HANSEN, cosponsored by Representatives POCAN, TURNER, BERCEAU and MURTHA. Referred to Committee on Commerce, Utilities, Energy, and Rail.

1     **AN ACT** *to create* 100.52 (6m), 134.72 (2m) and 134.72 (5) of the statutes;  
2             **relating to:** records concerning certain telephone and facsimile solicitations  
3             and a private action against certain senders of unsolicited facsimile  
4             solicitations.

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### *Analysis by the Legislative Reference Bureau*

Under current law, certain telephone customers may request inclusion in a directory maintained by the Department of Agriculture, Trade and Consumer Protection (department) that lists customers who do not wish to receive telephone solicitations. Current law prohibits telephone solicitors from making a telephone solicitation to a customer listed in the directory. Also under current law, no person may send a facsimile solicitation to a person who has notified the sender that the person does not wish to receive facsimile solicitations. If a recipient has not given a sender such notice, current law allows an unsolicited facsimile solicitation only if it is one page or less in length, contains the name of the sender, is made after 9 p.m. and before 6 a.m., and is made to a person with whom the sender has had a previous business relationship.

Under this bill, if a telecommunications utility's customer is listed in the current nonsolicitation directory and the customer provides to the telecommunications utility a copy of a complaint regarding a telephone solicitation that involves the listing and that the customer has filed with the department, the telecommunications utility must provide to the customer a written record of all the

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telephone numbers from which calls to the customer originated during the approximate time when the customer alleges that the violation occurred.

Also under the bill, if a person provides to a telecommunications utility from whom the the person obtains basic local exchange service the date and time when the person received a facsimile solicitation in violation of current law and provides a copy of the facsimile solicitation, the telecommunications utility must provide to the person a written record of the number from which the facsimile transmission was sent to the person, as well as any additional information in the telecommunications utility's possession regarding the identity of the sender of the facsimile transmission.

The bill provides that a telecommunications utility responding to a request for either type of record may charge the requester not more than the actual cost to the telecommunications utility of responding to the request.

The bill also creates a private cause of action against a person who violates the current limitations on unsolicited facsimile solicitations. A prevailing plaintiff is entitled to recover actual damages or \$200, whichever is greater, and reasonable attorney fees.

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

1           **SECTION 1.** 100.52 (6m) of the statutes is created to read:

2           100.52 (**6m**) RECORD REQUEST. If a residential customer for whom a listing is  
3 included in the nonsolicitation directory under sub. (2) (d) provides to a  
4 telecommunications utility that provides basic local exchange service or commercial  
5 mobile service to the residential customer a copy of a complaint regarding a violation  
6 of sub. (4) that involves the listing and that the customer has filed with the  
7 department, the telecommunications utility shall provide to the customer a written  
8 record of all the telephone numbers from which calls to the customer originated  
9 during the approximate time when the customer alleges that the violation occurred.  
10 A telecommunications utility responding to a request under this subsection may  
11 charge the requesting customer not more than the actual cost to the  
12 telecommunications utility of responding to the request.

13           **SECTION 2.** 134.72 (2m) of the statutes is created to read:

