

1999 DRAFTING REQUEST

Bill

Received: **01/31/2000**

Received By: **kunkemd**

Wanted: As **time permits**

Identical to LRB:

For: **Mark Pettis (608) 267-2365**

By/Representing: **Don Nelson**

This file may be shown to any legislator: **NO**

Drafter: **kunkemd**

May Contact:

Alt. Drafters:

Subject: **Trade Regulation**

Extra Copies: **MGG, RTK**

Pre Topic:

No specific pre topic given

Topic:

Prohibit telemarketing during dinner hours (5 pm to 7 pm)

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Reaured</u>
/1	kunkemd 01/31/2000	chanaman 01/31/2000	martykr 01/31/2000	_____	lrb_docadmin 01/31/2000	lrb_docadminState 02/09/2000	

FE Sent For:

<END>

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I?	k u n k e m d	<i>cmh</i> /1	<i>km/31</i>	<u><i>Self</i></u>			
FE Sent For:		<i>1/31</i>					

<END>



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-4455/1

MDK:.....

cmw

O-NOTE

by Thurs.
2/3

1999 BILL

1 **AN ACT** relating to: prohibiting telephone solicitations during certain hours
2 and providing a penalty.

regent

agriculture,

Analysis by the Legislative Reference Bureau

This bill prohibits a person from making a telephone solicitation between 5 p.m. and 7 p.m., central time. The department of trade, agriculture and consumer protection (DATCP) has enforcement authority for the prohibition. A "telephone solicitation" is defined as the unsolicited initiation of a telephone conversation for the purpose of encouraging a person to purchase property, goods or services. The bill's prohibition applies to any interstate telephone solicitation received by a person in this state and any intrastate telephone solicitation. A person who violates the prohibition is subject to a forfeiture of no more than \$500, except that, under certain circumstances, if the telephone solicitation was made to an elderly or disabled person, the person may be subject to a supplemental forfeiture of no more than \$10,000.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 100.264 (2) (intro.) of the statutes is amended to read:

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4455/1dn
MDK:.....

cmk

✓
Representative Pettis:

Please review this bill very carefully to make sure that it achieves your intent. In particular, please note the following:

1. Is the \$500 forfeiture okay? (This is the same amount as the penalty under current law for using a prerecorded message in a telephone solicitation without consent under s. 134.72, stats.)

2. Is the \$10,000 supplemental forfeiture okay?

3. Do you want to provide for any exceptions to the bill's prohibition? For example, do you want to exclude telephone solicitations for nonprofit or other groups?

If you have any questions or redraft instructions, please contact me.

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: Mark.Kunkel@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4455/1dn
MDK:cmh:km

January 31, 2000

Representative Pettis:

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Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: Mark.Kunkel@legis.state.wi.us

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 01/31/2000

To: Representative Pettis

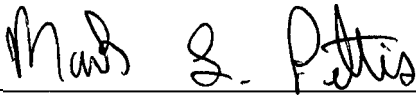
Relating to LRB drafting number: LRB-4455

Topic

Prohibit telemarketing during dinner hours (5 pm to 7 pm)

Subject(s)

Trade Regulation

1. **JACKET** the draft for introduction _____ 

in the **Senate** OR the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the **LRB's** drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Mark D. Kunkel, Legislative Attorney
Telephone: (608) 266-0131