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1999 DRAFTING REQUEST

Bill

Received	:01/31/2000		Received By: kunkemd Identical to LRB: By/Representing: Don Nelson					
Wanted:	As time permi	its						
For: Mai	rk Pettis (608)	267-2365						
This file 1	nay be shown	to any legislato		Drafter: kunkemd				
May Con	tact:				Alt. Drafters:			
Subject: Trade Regulation					Extra Copies: MGG, RTK			
Pre Topi	с:							
No specif	ïc pre topic giv	ven						
Topic:								
Prohibit t	elemarketing o	luring dinner ho	ours (5 pm to	7 pm)				
Instructi	ons:							
See Attac	hed							
Drafting	History:							
Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	<u>Reauired</u>	
/1	kunkemd 01/31/2000	chanaman 01/31/2000	martykr 01/31/2000	0	1rb_docadmin 01/31/2000	lrb_docadm 02/09/2000		

FE Sent For:

<END>

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This file may b	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:

Vers.	Drafted	<u>Reviewed</u>	<u>Tvped</u>	Proofed	<u>Submitted</u>	Jacketed	Reauired
/1	kunkemd 01/31/2000	chanaman 01/31/2000	martykr 01/31/200	0	lrb_docadmin 01/31/2000		State

FE Sent For:

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		4					
FE Sent Fo	or:	1/31		<end></end>			



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State of Misconsin 1999 - 2000 LEGISLATURE

)-NOT

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

1999 BILL

1 **AN ACT**...'.. relating to: prohibiting telephone solicitations during certain hours

and providing a penalty.

cut

agriculture

Analysis by the Legislative Reference Bureau

This bill prohibits a person from making atelephone 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:

, 1999 - 2000 Legislature

BILL

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1	100.264 (2) SUPPLEMENTAL FORFEITURE. (intro.) If a fine or a forfeiture is
2	imposed on a person for a violation under s. 100.16, 100.17, 100.18, 100.182, 100.183,
3	100.20, 100.205, 100.207, 100.21, 100.30 (3), 100.35, 100.44 $_{0r}$, 100.46 or 100.52 or
4	a rule promulgated under one of those sections, the person shall be subject to a
5	supplemental forfeiture not to exceed \$10,000 for that violation if the conduct by the
6	defendant, for which the violation was imposed, was perpetrated against an elderly
7	person or disabled person and if the court finds that any of the following factors is
8	present:
9	History: 1995 a. 382 SECTION 2. 100.52 of the statutes is created to read:
10	100.52 Telephone solicitations. (1) DEFINITION. In this section, "telephone
11	solicitation" has the meaning given in s. $134.72(1)(c)$.

- 12 (2) PROHIBITION. No person may make a telephone solicitation between the *v* hours of 5 p.m. and 7 p.m., central time.
- (3) PENALTY. A person who violates this section may forfeit no more than \$500.
 (4) TERRITORIAL APPLICATION. This section applies to any interstate telephone
 solicitation that is received by a person in this state and any intrastate telephone
 solicitation.

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(END)

DRAFTER'S NOTE FROMTHE LEGISLATIVE REFERENCE BUREAU

cmt

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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 FROMTHE LEGISLATIVE REFERENCE BUREAU

January 31, 2000

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.)

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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

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

<u>Topic</u>

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

Subject(s)

Trade Regulation

1. JACKET the draft for introduction $\underline{V(W)} \times \underline{V(W)}$ in the Senate <u>or</u> the Assembly \underline{V} (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 266-356 1. If you have any questions relating to the attached draft, please feel free to call me.

Mark D. Kunkel, Legislative Attorney Telephone: (608) 266-013 1