

## 1999 SENATE BILL 33

February 3, 1999 – Introduced by Senators RISSER, HUELSMAN, BURKE, BAUMGART, ERPENBACH, PLACHE, BRESKE, DARLING and ROESSLER, cosponsored by Representatives MEYER, PLOUFF, KRUG, HANDRICK, POCAN, HAHN, MILLER, ALBERS, SINICKI, TURNER, WOOD, COLON, GUNDERSON, BOYLE, BOCK and POWERS. Referred to Committee on Privacy, Electronic Commerce and Financial Institutions.

1     **AN ACT** *to renumber* 134.72 (1) (a); *to amend* 134.72 (title), 134.72 (3) (a), 134.72  
2           (3) (b), 767.265 (2r) and 968.01 (1); *to repeal and recreate* 767.265 (2r); and  
3           **to create** 134.72 (1) (ag) and 134.72 (2) (c) of the statutes; **relating to:**  
4           unsolicited messages transmitted by electronic mail.

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### ***Analysis by the Legislative Reference Bureau***

Current law restricts the transmittal of unsolicited documents by facsimile machine that encourage persons to purchase property, goods or services. These restrictions prohibit the transmittal of unsolicited documents that are more than one page to persons with whom the person sending the documents has not had a prior business relationship.

This bill expands this coverage to include the transmittal of unsolicited messages by electronic mail.

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

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

5           **SECTION 1.** 134.72 (title) of the statutes is amended to read:

**SENATE BILL 33****SECTION 1**

1           **134.72** (title) **Prohibition of certain unsolicited messages by telephone**  
2 **~~or facsimile machine and documents.~~**

3           **SECTION 2.** 134.72 (1) (a) of the statutes is renumbered 134.72 (1) (am).

4           **SECTION 3.** 134.72 (1) (ag) of the statutes is created to read:

5           134.72 **(1)** (ag) “Electronic mail solicitation” means the unsolicited  
6 transmission of a message by electronic mail for the purpose of encouraging a person  
7 to purchase property, goods or services.

8           **SECTION 4.** 134.72 (2) (c) of the statutes is created to read:

9           134.72 **(2)** (c) *Electronic mail solicitation.* 1. A person may not make an  
10 electronic mail solicitation without the consent of the person solicited unless all of  
11 the following apply:

12           a. The message transmitted, if printed, does not exceed one page in length and  
13 is received by the person solicited after 9 p.m. and before 6 a.m.

14           b. The person making the electronic mail solicitation has had a previous  
15 business relationship with the person solicited.

16           2. Notwithstanding subd. 1., a person may not make a electronic mail  
17 solicitation to a person who has notified the solicitor in writing or by electronic mail  
18 that the person does not want to receive an electronic mail solicitation.

19           **SECTION 5.** 134.72 (3) (a) of the statutes is amended to read:

20           134.72 **(3)** (a) *Intrastate.* This section applies to any intrastate telephone  
21 solicitation ~~or~~, intrastate facsimile solicitation or intrastate electronic mail  
22 solicitation.

23           **SECTION 6.** 134.72 (3) (b) of the statutes is amended to read:

**SENATE BILL 33**

1           134.72 **(3)** (b) *Interstate*. This section applies to any ~~interstate telephone~~  
2           solicitation, ~~or interstate facsimile solicitation~~, received by a person in this state that  
3           is a telephone solicitation, a facsimile solicitation or an electronic mail solicitation.

4           **SECTION 7.** 767.265 (2r) of the statutes is amended to read:

5           767.265 **(2r)** Upon entry of each order for child support, maintenance, family  
6           support or support by a spouse and upon approval of each stipulation for child  
7           support, unless the court finds that income withholding is likely to cause the payer  
8           irreparable harm or unless s. 767.267 applies, the court shall provide notice of the  
9           assignment by regular mail or by facsimile machine, as defined in s. 134.72 (1) ~~(a)~~  
10          (am), or other electronic means to the last-known address of the person from whom  
11          the payer receives or will receive money. The notice shall provide that the amount  
12          withheld may not exceed the maximum amount that is subject to garnishment under  
13          15 USC 1673 (b) (2). If the clerk of court or support collection designee, whichever  
14          is appropriate, does not receive the money from the person notified, the court shall  
15          provide notice of the assignment to any other person from whom the payer receives  
16          or will receive money. Notice under this subsection may be a notice of the court, a  
17          copy of the executed assignment or a copy of that part of the court order directing  
18          payment.

19          **SECTION 8.** 767.265 (2r) of the statutes, as affected by 1997 Wisconsin Act 191  
20          and 1999 Wisconsin Act .... (this act), is repealed and recreated to read:

21          767.265 **(2r)** Upon entry of each order for child support, maintenance, family  
22          support or support by a spouse and upon approval of each stipulation for child  
23          support, unless the court finds that income withholding is likely to cause the payer  
24          irreparable harm or unless s. 767.267 applies, the court, family court commissioner  
25          or county child support agency under s. 59.53 (5) shall provide notice of the

**SENATE BILL 33****SECTION 8**

1 assignment by regular mail or by facsimile machine, as defined in s. 134.72 (1) (am),  
2 or other electronic means to the last-known address of the person from whom the  
3 payer receives or will receive money. The notice shall provide that the amount  
4 withheld may not exceed the maximum amount that is subject to garnishment under  
5 15 USC 1673 (b) (2). If the department or its designee, whichever is appropriate, does  
6 not receive the money from the person notified, the court, family court commissioner  
7 or county child support agency under s. 59.53 (5) shall provide notice of the  
8 assignment to any other person from whom the payer receives or will receive money.  
9 Notice under this subsection may be a notice of the court, a copy of the executed  
10 assignment or a copy of that part of the court order directing payment.

11 **SECTION 9.** 968.01 (1) of the statutes is amended to read:

12 968.01 (1) “Facsimile machine” has the meaning given in s. 134.72 (1) ~~(a)~~ (am).

13 **SECTION 10. Effective dates.** This act takes effect on the day after publication,  
14 except as follows:

15 (1) The repeal and recreation of section 767.265 (2r) of the statutes takes effect  
16 on October 1, 1999, or on the date stated in the notice published by the department  
17 of workforce development in the Wisconsin Administrative Register under section  
18 767.29 (1) (f) of the statutes, whichever is earlier.

19 (END)