## **1999 SENATE BILL 248**

October 5, 1999 – Introduced by Senators Jauch, Erpenbach, Plache, Darling and Roessler, cosponsored by Representatives Wasserman, Hutchison, Schneider, Musser, Miller, Black, Bock, Gunderson, Sinicki, Williams, Berceau and Reynolds. Referred to Committee on Privacy, Electronic Commerce and Financial Institutions.

1 AN ACT *to amend* 196.219 (2) (b) and 196.219 (2) (c); and *to create* 196.219 (2)

(cm) and 196.219 (3m) of the statutes; **relating to:** requiring certain disclosures in advertising per–minute rates for long distance service and

providing a penalty.

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## Analysis by the Legislative Reference Bureau

This bill prohibits a telecommunications provider from advertising a per-minute rate for residential or business long distance service unless the advertisement clearly and conspicuously discloses all conditions, restrictions and charges associated with using the long distance service, including whether the rate is an introductory rate, and discloses the per-minute cost of the long distance service to an average residential or business customer of the telecommunications provider. In addition, if the per-minute rate is an introductory rate, the advertisement must clearly and conspicuously disclose the period during which the introductory rate is in effect and the rate that will be charged at the expiration of the introductory rate.

The bill also requires a telecommunications provider that charges a rate for long distance service that is not a per-minute rate to clearly and conspicuously disclose on the bill for the service the per-minute cost of the service under the rate that is charged.

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

– 2 –

## **SENATE BILL 248**

1	<b>SECTION 1.</b> 196.219 (2) (b) of the statutes is amended to read:
2	196.219 (2) (b) On petition, the commission may, except as provided in par.
3	(cm), grant an exemption from a requirement under this section upon a showing that
4	the exemption is reasonable and not in conflict with the factors under s. 196.03 (6).
5	<b>SECTION 2.</b> 196.219 (2) (c) of the statutes is amended to read:
6	196.219 (2) (c) On petition, the commission may, except as provided in par. (cm),
7	grant an exemption from a requirement under this section retroactively if the
8	application of the requirement would be unjust and unreasonable considering the
9	factors under s. 196.03 (6) or other relevant factors.
10	<b>SECTION 3.</b> 196.219 (2) (cm) of the statutes is created to read:
11	196.219 (2) (cm) The commission may not grant an exemption from the
12	requirements of sub. (3m).
13	<b>Section 4.</b> 196.219 (3m) of the statutes is created to read:
14	196.219 (3m) Per-minute long distance advertising. (a) In this subsection,
15	"long distance" means interstate or intrastate interlata long distance within the
16	continental United States.
17	(b) A telecommunications provider may not advertise a per-minute rate for
18	long distance service unless the advertisement clearly and conspicuously discloses
19	each of the following:
20	1. All conditions, restrictions and charges associated with using the long
21	distance service, including whether the per-minute rate is an introductory rate.
22	1m. If the per-minute rate is an introductory rate, the period during which the
23	introductory rate is in effect and the rate that will be charged at the expiration of the
24	introductory period.

## **SENATE BILL 248**

publication.

2. If the rate is for residential customers, the per-minute cost of the long	
distance service to an average residential customer of the telecommunications	
provider or, if the rate is for business customers, the per-minute cost of the long	
distance service to an average business customer of the telecommunications	
provider.	
(bm) A telecommunications provider that charges a rate for long distance	
service that is not a per-minute rate shall clearly and conspicuously disclose on the	
bill for long distance service the per-minute cost of the long distance service under	
the rate that is charged.	
(bs) The per-minute cost that is required to be disclosed under pars. (b) 2. and	
(bm) shall be calculated on the basis of all conditions, restrictions and charges	
associated with using the long distance service.	
(c) Any person who violates this subsection may be required to forfeit not more	
than \$10,000 for the first offense and may be required to forfeit not more than	
\$50,000 for the 2nd or any later offense within a year. Each day of continued violation	
constitutes a separate offense. The one-year period shall be measured by using the	
dates of the offenses that resulted in convictions.	
(d) Paragraph (b) applies to any advertising directed to a resident or business	
of this state.	
SECTION 5. Effective date.	
(1) This act takes effect on the first day of the 3rd month beginning after	

(END)