

2007 ASSEMBLY BILL 6

January 12, 2007 – Introduced by Representative SCHNEIDER. Referred to Committee on Consumer Protection and Personal Privacy.

1 **AN ACT** *to repeal* 100.52 (3) (b); *to renumber* 100.52 (3) (a); *to amend* 20.115
2 (8) (jm) and 100.52 (4) (b) 1.; and *to create* 100.523 of the statutes; **relating**
3 **to:** requiring telephone solicitors to obtain consent before soliciting sales,
4 contributions, or political support.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Agriculture, Trade and Consumer Protection (DATCP) must promulgate rules requiring a telephone solicitor to identify, at the beginning of a telephone conversation, the telephone solicitor and the person who is selling property, goods, or services. Currently, such rules are required only for persons that are soliciting the purchase of property, goods, or services, and are not required for nonprofit organizations.

This bill deletes the current rule-making requirement. The bill prohibits making a telephone call to a residential customer for the purpose of soliciting a sale, soliciting a contribution to an organization, or soliciting support or opposition to a candidate for election, political party or committee, or referendum question, unless the person making the call immediately identifies himself or herself and any organization on whose behalf the person is making the call, and obtains the recipient's oral consent to proceed with the telephone call. If the recipient does not consent, the caller must immediately terminate the call.

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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:

1 **SECTION 1.** 20.115 (8) (jm) of the statutes is amended to read:

2 20.115 **(8)** (jm) *Telephone solicitation regulation.* All moneys received from
3 telephone solicitor registration and registration renewal fees paid under the rules
4 promulgated under s. 100.52 (3) ~~(a)~~ for establishing and maintaining the
5 nonsolicitation directory under s. 100.52 (2).

6 **SECTION 2.** 100.52 (3) (a) of the statutes is renumbered 100.52 (3).

7 **SECTION 3.** 100.52 (3) (b) of the statutes is repealed.

8 **SECTION 4.** 100.52 (4) (b) 1. of the statutes is amended to read:

9 100.52 **(4)** (b) 1. Require an employee or contractor to make a telephone
10 solicitation to a person in this state unless the telephone solicitor is registered with
11 the department under the rules promulgated under sub. (3) ~~(a)~~.

12 **SECTION 5.** 100.523 of the statutes is created to read:

13 **100.523 Consent required for telephone solicitations. (1)** No person may
14 make a telephone call to a residential customer, as defined in s. 100.52 (1) (f), for the
15 purpose of making a telephone solicitation, as defined in s. 100.52 (1) (i), for the
16 purpose of soliciting a contribution of anything of value to an organization on whose
17 behalf the person is making the telephone call, or for the purpose of encouraging the
18 residential customer to support or oppose a candidate for election, political party or
19 committee, or referendum question, unless the person does all of the following
20 immediately after the telephone call is answered:

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1 (a) Identifies the person making the telephone call and, if different from the
2 person making the telephone call, the person on whose behalf the person is making
3 the telephone call.

4 (b) Obtains oral consent from the recipient of the telephone call to proceed with
5 the telephone call.

6 **(2)** If the recipient of a telephone call described in sub. (1) does not give oral
7 consent to proceed with the telephone call, the person making the telephone call shall
8 immediately terminate the telephone call.

9 **(END)**