

2007 DRAFTING REQUEST

Bill

Received: **11/15/2006**

Received By: **csundber**

Wanted: **As time permits**

Identical to LRB:

For: **Marlin Schneider (608) 266-0215**

By/Representing:

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

Drafter: **csundber**

May Contact:

Addl. Drafters:

Subject: **Trade Regulation - other**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Schneider@legis.wisconsin.gov**

Carbon copy (CC:) to: **christopher.sundberg@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Require telephone solicitors to obtain consent before soliciting

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>Required</u>
/?	csundber 11/20/2006	kfollett 12/12/2006		_____			State
/1			rschluet 12/13/2006	_____	cduerst 12/13/2006	sbasford 12/13/2006	

FE Sent For:

*at intro
1/12*

<END>

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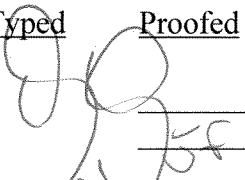
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1/2	csundber	11kjf 12/12					

FE Sent For:

<END>

Sundberg, Christopher

From: Schneider, Marlin
Sent: Wednesday, November 15, 2006 8:52 AM
To: Sundberg, Christopher
Subject: RE: drafting request

Yes. Thank you.

From: Sundberg, Christopher
Sent: Tuesday, November 14, 2006 2:30 PM
To: Schneider, Marlin
Subject: drafting request

Debora Kennedy passed along a request for a draft relating to the do-not-call list, specifically, an email from Floyd Roberts. Mr. Roberts' email proposes the following: allowing persons age 65 and older to opt out, through the do-not-call list, from all telephone solicitations, including political calls and calls from nonprofit organizations. Mr. Roberts also suggests a requirement that all solicitors, at the beginning of the call, identify the purpose of the call and obtain permission before delivering a solicitation pitch.

Have I accurately summarized the requests? If so, do you want me to draft them separately or together?

Christopher Sundberg
Legislative Attorney
Legislative Reference Bureau
(608) 266-9739
christopher.sundberg@legis.state.wi.us

Schneider, Marlin

From: Floyd Roberts [afhs1956@verizon.net]
Sent: Tuesday, October 24, 2006 11:42 AM
To: Rep.Schneider
Subject: Telephone Calls

Marlin Schneider:

I believe that telephone no-call lists should include non-profit organizations seeking donations. These organizations call at suppertime, bedtime, early in the morning, and other disruptive times. Half the time we cannot even figure out who they are! They prey on the elderly and the infirm and interfere with their routines. Their calls are also unnecessary because whatever they have to say, they can say it more clearly by mail without putting pressure on people to respond.

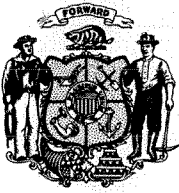
The no-call list only serves to block calls, it seems, from businesses, calls which we never get anyway. Even these political calls are a nuisance. Most of the time, I don't want those calls either. We get enough of that on TV and radio!

It would be nice if, say, after age 65, we can put ALL such solicitors on a no-call list. That would be a good *start!* Here is another idea: How about a requirement that such solicitors start by ASKING us if we want to accept a call from *whomever?* If we say, "No", they must hang up.

Sincerely,

Floyd E. Roberts
1995 11th Ave
Friendship WI 53934-9006

(608) 339-9012



lu. 11/20/06
State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0772/21
CTS: kjf RWNK

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2007 BILL

- 1 AN ACT ^{gen.} ...; **relating to:** requiring telephone solicitors to obtain consent before
2 soliciting sales, 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 rulemaking 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 ~~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.

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:

(2)

CNS 2-1

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SECTION 1. 100.52 (3) (a) of the statutes is renumbered 100.52 (3).

SECTION 2. 100.52 (3) (b) of the statutes is repealed.

SECTION 3. 100.525 of the statutes is created to read:

100.525 Consent required for telephone solicitations. (1) No person may

make a telephone call to a residential customer, as defined in s. 100.52 (1) (f), for the

purpose of making a telephone solicitation, as defined in s. 100.52 (1) (i), for the

purpose of soliciting a contribution of anything of value to an organization on whose

behalf the person is making the telephone call, or for the purpose of encouraging the

residential customer to support or oppose a candidate for election, political party or

committee, or referendum question, unless the person does all of the following

immediately after the telephone call is answered:

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

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

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

(END)

CNS 2-2

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0772/lins
CTS:.....

1 **Insert 2-1:**

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

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

History: 1971 c. 125, 215; 1973 c. 90, 299, 333; 1975 c. 39 ss. 78m, 79, 79m, 79n, 732 (1); 1975 c. 224; 1975 c. 394 ss. 1, 27; 1977 c. 29 ss. 112 to 115v, 1650m (1), (4), 1654 (1); 1977 c. 87, 106, 181, 418; 1979 c. 34, 129, 221, 289, 335; 1981 c. 20, 66, 93, 283, 346, 357; 1983 a. 27, 132, 368; 1983 a. 410 ss. 5, 2202 (2); 1985 a. 7, 8, 29, 138, 153, 313; 1987 a. 27, 281, 354; 1987 a. 399 ss. 34 to 38, 38u; 1987 a. 403 s. 256; 1989 a. 31, 219, 227, 282, 284, 335, 336; 1991 a. 39, 269, 309, 315; 1993 a. 16, 166, 243, 437, 456, 497; 1995 a. 27, 42, 79, 460; 1997 a. 27, 192, 252, 264; 1999 a. 5, 9, 55, 185; 2001 a. 16, 38, 56, 103, 109; 2003 a. 33, 38, 133, 326, 327; 2005 a. 25.

7 **Insert 2-2:**

8 **SECTION 2.** 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).

History: 2001 a. 16 ss. 2435 to 2446f, 2819b, 2821b.

Basford, Sarah

From: Schneider, Marlin
Sent: Wednesday, December 13, 2006 12:41 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-0772/1 Topic: Require telephone solicitors to obtain consent before soliciting

Please Jacket LRB 07-0772/1 for the ASSEMBLY.