

## 2007 ASSEMBLY BILL 962

March 13, 2008 – Introduced by Representative HRAYCHUCK. Referred to Committee on Consumer Protection and Personal Privacy.

1     **AN ACT** *to renumber* 134.72; *to amend* 134.95 (2), 767.75 (2r) and 968.01 (1);  
2             and *to create* 100.523 of the statutes; **relating to:** mail solicitations, facsimile  
3             solicitations, and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

Under current law, no person may send a facsimile solicitation unless the solicitation is not longer than one page, is sent between 9:00 p.m. and 6:00 a.m., is sent by a person who has had a business relationship with the recipient, and contains the name of the sender. Also under current law, no person may send a facsimile solicitation to a recipient who has notified the person that the person does not wish to receive facsimile solicitations. The prohibition is currently enforced by district attorneys. Under the bill, the prohibition is enforced by the Department of Agriculture, Trade and Consumer Protection (DATCP).

Also under the bill, no person may send a solicitation through the mail to a resident of this state beginning ten days after the resident has sent notice to the sender that the resident does not wish to receive further mail solicitations. A person who violates this prohibition is subject to a forfeiture up to \$100 for each solicitation sent in violation of the prohibition. The prohibition is enforced by DATCP.

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:***

**ASSEMBLY BILL 962****SECTION 1**

1           **SECTION 1.** 100.523 of the statutes is created to read:

2           **100.523 Certain mail solicitations prohibited. (1)** In this section, “mail  
3 solicitation” means the unsolicited mailing of a document for the purpose of  
4 encouraging the recipient to purchase property, goods, or services, or to contribute  
5 anything of value.

6           **(2)** No person may send a mail solicitation to a resident of this state beginning  
7 10 days after the resident has given the person written notice that the resident does  
8 not wish to receive further mail solicitations from the person. Each mail solicitation  
9 sent to a resident in violation of this subsection is a separate violation.

10           **(3)** A person who violates this section is subject to a forfeiture not to exceed  
11 \$100 for each violation.

12           **SECTION 2.** 134.72 of the statutes is renumbered 100.527.

13           **SECTION 3.** 134.95 (2) of the statutes is amended to read:

14           134.95 **(2)** SUPPLEMENTAL FORFEITURE. If a fine or a forfeiture is imposed on a  
15 person for a violation under s. 100.171, 100.173, 100.174, 100.175, 100.177, 100.523,  
16 100.527, 134.71, ~~134.72~~, 134.73, or 134.87 or ch. 136 or a rule promulgated under  
17 these sections or that chapter, the person shall be subject to a supplemental  
18 forfeiture not to exceed \$10,000 for that violation if the conduct by the defendant, for  
19 which the fine or forfeiture was imposed, was perpetrated against an elderly person  
20 or disabled person and if any of the factors under s. 100.264 (2) (a), (b), or (c) is  
21 present.

22           **SECTION 4.** 767.75 (2r) of the statutes is amended to read:

23           767.75 **(2r)** NOTICE OF ASSIGNMENT TO INCOME SOURCE. Upon entry of each order  
24 for child support, maintenance, family support, support by a spouse, or the annual  
25 receiving and disbursing fee, and upon approval of each stipulation for child support,

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1 unless the court finds that income withholding is likely to cause the payer  
2 irreparable harm or unless s. 767.76 applies, the court or county child support agency  
3 under s. 59.53 (5) shall provide notice of the assignment by regular mail or by  
4 facsimile machine, as defined in s. ~~134.72 (1) (a)~~ 100.527 (1) (a), or other electronic  
5 means to the last-known address of the person from whom the payer receives or will  
6 receive money. The notice shall provide that the amount withheld may not exceed  
7 the maximum amount that is subject to garnishment under 15 USC 1673 (b) (2). If  
8 the department or its designee does not receive the money from the person notified,  
9 the court or county child support agency under s. 59.53 (5) shall provide notice of the  
10 assignment to any other person from whom the payer receives or will receive money.  
11 Notice under this subsection may be a notice of the court, a copy of the executed  
12 assignment, or a copy of that part of the court order directing payment.

13 **SECTION 5.** 968.01 (1) of the statutes is amended to read:

14 968.01 (1) “Facsimile machine” has the meaning given in s. ~~134.72 (1) (a)~~  
15 100.527 (1) (a).

16 (END)