

**2007 DRAFTING REQUEST**

**Bill**

Received: **09/13/2007**

Received By: **csundber**

Wanted: **As time permits**

Identical to LRB:

For: **Ann Hraychuck (608) 267-2365**

By/Representing: **Stephanie Hilton**

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.Hraychuck@legis.wisconsin.gov**

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

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**Pre Topic:**

No specific pre topic given

---

**Topic:**

Require mail solicitors to comply with request to stop solicitations, transfer fax solicitation provision to DATCP enforcement

---

**Instructions:**

See Attached

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**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 09/20/2007	bkraft 09/21/2007		_____			
/P1	csundber 02/05/2008	bkraft 02/05/2008	pgreensl 09/21/2007	_____	mbarman 09/21/2007		S&L
/1			nnatzke 02/06/2008	_____	sbasford 02/06/2008	sbasford 03/10/2008	

FE Sent For:

*at intro*  
*3/13*

<END>

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/?	csundber 09/20/2007	bkraft 09/21/2007		_____			
/P1		1bjk 2/5	pgreensl 09/21/2007	_____	mbarman 09/21/2007		
			nwn 2/6	nwn 2/6			

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/?	csundber	/PI bjk 9/21	9/21	9/21			
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9/21  
PS/RS

FE Sent For:

<END>

9/13/07 Stephanie/Hraychuck

Draft bill that requires a mail solicitor to comply with a request to send no further solicitations. Enforced by DATCP, modeled on 134.72. Also, transfer 134.72 to DATCP.





ln: 9/20/07  
State of Wisconsin  
2007 - 2008 LEGISLATURE

PI  
LRB-3168  
CTS:.....  
bjk

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION ✓

SA ✓  
X-ref ✓

gen. cat.

1 AN ACT ...; relating to: mail solicitations, facsimile solicitations, and providing  
2 a penalty.

*Analysis by the Legislative Reference Bureau*

This is a preliminary draft. An analysis will be provided in a later version.

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

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

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

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

in violation of this subsection

beginning



1 (3) A person who violates this section is subject to a forfeiture not to exceed  
2 \$100 for each violation

3 SECTION 2. 134.72 of the statutes is renumbered 100.527.

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

5 134.95 (2) SUPPLEMENTAL FORFEITURE. If a fine or a forfeiture is imposed on a  
6 person for a violation under s. 100.171, 100.173, 100.174, 100.175, 100.177, 100.523,  
7 100.527, 134.71, 134.72, 134.73, or 134.87 or ch. 136 or a rule promulgated under  
8 these sections or that chapter, the person shall be subject to a supplemental  
9 forfeiture not to exceed \$10,000 for that violation if the conduct by the defendant, for  
10 which the fine or forfeiture was imposed, was perpetrated against an elderly person  
11 or disabled person and if any of the factors under s. 100.264 (2) (a), (b), or (c) is  
12 present.

13 History: 1995 a. 382; 1997 a. 111; 2001 a. 16. SECTION 4. 767.75 (2r) of the statutes is amended to read:

14 767.75 (2r) NOTICE OF ASSIGNMENT TO INCOME SOURCE. Upon entry of each order  
15 for child support, maintenance, family support, support by a spouse, or the annual  
16 receiving and disbursing fee, and upon approval of each stipulation for child support,  
17 unless the court finds that income withholding is likely to cause the payer  
18 irreparable harm or unless s. 767.76 applies, the court or county child support agency  
19 under s. 59.53 (5) shall provide notice of the assignment by regular mail or by  
20 facsimile machine, as defined in s. 134.72 (1) (a) 100.527 (1) (a), or other electronic  
21 means to the last-known address of the person from whom the payer receives or will  
22 receive money. The notice shall provide that the amount withheld may not exceed  
23 the maximum amount that is subject to garnishment under 15 USC 1673 (b) (2). If  
24 the department or its designee does not receive the money from the person notified,

1 the court or county child support agency under s. 59.53 (5) shall provide notice of the  
2 assignment to any other person from whom the payer receives or will receive money.  
3 Notice under this subsection may be a notice of the court, a copy of the executed  
4 assignment, or a copy of that part of the court order directing payment.

**History:** 1971 c. 110; 1975 c. 94 s. 91 (3); 1975 c. 199; 1977 c. 105; 1979 c. 32 ss. 50, 92 (4); 1979 c. 196, 221; Stats. 1979 s. 767.265; 1981 c. 20, 186; 1983 a. 27, 384; 1985 a. 29; 1987 a. 38 s. 136; 1987 a. 332 s. 64; 1987 a. 398, 403; 1989 a. 31, 56, 212, 336; 1991 a. 287; 1993 a. 16, 326, 389, 481; 1995 a. 27 s. 9130 (4); 1995 a. 279, 404; 1997 a. 27, 191; 1999 a. 9; 2001 a. 16, 61, 105; 2005 a. 443 ss. 116 to 118, 237; Stats. 2005 s. 767.75.

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

6 ✓ 968.01 (1) "Facsimile machine" has the meaning given in s. ~~134.72 (1) (a)~~  
7 100.527 (1) (a).

**History:** 1989 a. 336; 1995 a. 351.

8

(END) ✓



In: 2/5/08 Wanted: Fri 2/8/08

State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-3168/01 RMNR

CTS:bjk:pg  
le  
ore  
stay

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2007 BILL

Insert

SA ✓

INS  
A ✓

regen. cont.

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.

Analysis by the Legislative Reference Bureau

\* This is a preliminary draft. An analysis will be provided in a later version.

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

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

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

(2) No person may send a mail solicitation to a resident of this state beginning 10 days after the resident has given the person written notice that the resident does

1 not wish to receive further mail solicitations from the person. Each mail solicitation  
2 sent to a resident in violation of this subsection is a separate violation.

3 (3) A person who violates this section is subject to a forfeiture not to exceed  
4 \$100 for each violation.

5 SECTION 2. 134.72 of the statutes is renumbered 100.527.

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

7 134.95 (2) SUPPLEMENTAL FORFEITURE. If a fine or a forfeiture is imposed on a  
8 person for a violation under s. 100.171, 100.173, 100.174, 100.175, 100.177, 100.523,  
9 100.527, 134.71, ~~134.72,~~ 134.73, or 134.87 or ch. 136 or a rule promulgated under  
10 these sections or that chapter, the person shall be subject to a supplemental  
11 forfeiture not to exceed \$10,000 for that violation if the conduct by the defendant, for  
12 which the fine or forfeiture was imposed, was perpetrated against an elderly person  
13 or disabled person and if any of the factors under s. 100.264 (2) (a), (b), or (c) is  
14 present.

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

16 767.75 (2r) NOTICE OF ASSIGNMENT TO INCOME SOURCE. Upon entry of each order  
17 for child support, maintenance, family support, support by a spouse, or the annual  
18 receiving and disbursing fee, and upon approval of each stipulation for child support,  
19 unless the court finds that income withholding is likely to cause the payer  
20 irreparable harm or unless s. 767.76 applies, the court or county child support agency  
21 under s. 59.53 (5) shall provide notice of the assignment by regular mail or by  
22 facsimile machine, as defined in s. ~~134.72 (1) (a)~~ 100.527 (1) (a), or other electronic  
23 means to the last-known address of the person from whom the payer receives or will  
24 receive money. The notice shall provide that the amount withheld may not exceed  
25 the maximum amount that is subject to garnishment under 15 USC 1673 (b) (2). If

1 the department or its designee does not receive the money from the person notified,  
2 the court or county child support agency under s. 59.53 (5) shall provide notice of the  
3 assignment to any other person from whom the payer receives or will receive money.  
4 Notice under this subsection may be a notice of the court, a copy of the executed  
5 assignment, or a copy of that part of the court order directing payment.

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

7 968.01 (1) "Facsimile machine" has the meaning given in s. ~~134.72 (1) (a)~~  
8 100.527 (1) (a).

9 (END) ✓

2007-2008 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3168/lins  
CTS:.....

l b j k

1

**Insert A:**

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 10 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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end of inserts

**Barman, Mike**

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**From:** Hilton, Stephanie  
**Sent:** Monday, March 10, 2008 2:26 PM  
**To:** LRB.Legal  
**Subject:** Please jacket LRB-3168/1 for introduction

Thanks!  
-Stephanie

Stephanie Hilton  
Legislative Assistant  
Office of Rep. Ann Hraychuck  
608-267-2365 or 1-888-529-0028  
Room 6 North State Capitol