AN ACT to create 100.523 of the statutes; relating to: the use of automatic
dialing announcing devices and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill regulates the use of automatic dialing announcing devices. The bill
defines an automatic dialing announcing device as a device that dials a telephone
number and disseminates, alone or in conjunction with another device, a voice
message.

Under the bill, the use of an automatic dialing announcing device to call a
residential telephone customer is prohibited unless the recipient has consented in
writing or the person using the device obtains the customer’s verbal consent using
a live operator before disseminating the message. An automatic dialing announcing
device must disconnect within ten seconds after a recipient terminates a call. The
provisions of the bill do not apply to a call by a school to students, parents, or
employees; to a call to a residential customer by a person who has a current business
or personal relationship with the customer; or to a call by a governmental unit to
alert the recipient to a danger to health or safety.

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

100.523 Automatic dialing announcing devices. (1) In this section:

(a) “Automatic dialing announcing device” means a device that does all of the following:

1. Dials a telephone number.

2. Disseminates, whether alone or in conjunction with another device, a prerecorded or synthesized voice message.

(b) “Governmental unit” means an agency of this state or of a city, village, town, or county.

(c) “Residential customer” has the meaning given in s. 100.52 (1) (f).

(2) No person may use an automatic dialing announcing device to call a telephone number pertaining to a residential customer in this state unless all of the following apply:

(a) One of the following is true:

1. Before the person uses the device to call the telephone number, the person has obtained the residential customer’s written authorization to call the customer using an automatic dialing announcing device.

2. Before the person uses the device to disseminate a voice message, a live operator has done all of the following:

   a. Immediately disclosed the name of the person on whose behalf the customer has been called and the purpose of the call, including whether the call is intended to solicit funds.

   b. Obtained the residential customer’s verbal consent to receive a voice message from an automatic dialing announcing device.
(b) The automatic dialing announcing device is designed and operated to disconnect not more than 10 seconds after a recipient terminates the connection.

(3) This section does not apply to any of the following:

(a) A call by a school or school district to a student, parent of a student, or an employee.

(b) A call to a residential customer initiated by a person who has a current business or personal relationship with the customer.

(c) A call by a governmental unit that is intended to alert a recipient of the call to a danger to the recipient’s health or safety.

(4) A person who violates this section may be required to forfeit $100 for each violation.

(END)