2009 DRAFTING REQUEST

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Received: 05/06/2009				Received By: csundber				
Wanted: As time permits				Identical to LRB:				
For: Kelda Helen Roys (608) 266-5340					By/Representing: Emily McWilliams			
This file n	nay be shown	to any legislator	: NO		Drafter: csundber			
May Cont	act:				Addl. Drafters:			
Subject: Trade Regulation - other				Extra Copies:				
Submit vi	a email: YES							
Requester	's email:	Rep.Roys@l	legis.wiscon	ısin.gov				
Carbon co	py (CC:) to:	christopher.	sundberg@	egis.wisco	nsin.gov			
Pre Topic	C:							
No specifi	No specific pre topic given							
Topic:						***************************************		
Increase penalties for violations of do not call list								
Instruction	ons:						<u> </u>	
Companion to LRB-2534/1								
Drafting	History:							
Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required	
/?	csundber 05/06/2009	kfollett 05/06/2009					State	
/1			jfrantze 05/06/2009)	sbasford 05/06/2009	lparisi 05/19/2009		

FE Sent For:



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2009 DRAFTING REQUEST

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					Identical to LRB:			
				By/Representing: Emily McWilliams				
This file	may be shown	to any legislato	or: NO		Drafter: csundber Addl. Drafters:			
May Cor	ntact:							
Subject:	Trade I	Regulation - ot	her		Extra Copies:			
	via email: YES er's email:	Rep.Roys@	⊋legis.wisco	onsin.gov				
•	copy (CC:) to:	•		@legis.wisco	onsin.gov			
	sic:	ven						
Topic: Increase	penalties for vi	iolations of do	not call list					
Instruct	tions: ion to LRB-253	34/1					-	
Drafting	g History:							
Vers.	<u>Drafted</u>	Reviewed	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	Required	
/?	csundber 05/06/2009	kfollett 05/06/2009					State	
/1			jfrantze 05/06/200)9	sbasford 05/06/2009			

<END>

2009 DRAFTING REQUEST

Bill

Received: 05/06/2009

Received By: csundber

Wanted: As time permits

Identical to LRB:

For: Kelda Helen Roys (608) 266-5340

By/Representing: Emily McWilliams

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.Roys@legis.wisconsin.gov

Carbon copy (CC:) to:

christopher.sundberg@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Increase penalties for violations of do not call list

Instructions:

Companion to LRB-2534/1

Drafting History:

Vers.

Drafted

Reviewed

Proofed

Submitted

Jacketed

/?

csundber

Required

FE Sent For:

<END>



[n:5/6/09 [coon]

State of Wisconsin 2009 - 2010 LEGISLATURE

2843/1 LRB-2534/1 CTS:kjf:rs

2009 BILL



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AN ACT to repeal 100.52 (10) (b); to renumber and amend 100.52 (10) (a); and

to create 100.52 (11) of the statutes; relating to: penalties and private actions

for violations of restrictions on telephone solicitations.

Analysis by the Legislative Reference Bureau

Current law regulates telephone solicitation, defined as the unsolicited initiation of a telephone conversation for the purpose of encouraging the recipient of the telephone call to purchase property, goods, or services. Generally, under current law, a telephone solicitor may not make a telephone solicitation to a residential customer if the customer's telephone number is included in a directory, maintained by the Department of Agriculture, Trade and Consumer Protection (DATCP), listing residential customers who do not wish to receive telephone solicitations. Violations of current provisions regulating telephone solicitation are subject to a forfeiture of \$100.

This bill increases the penalty for a violation to a forfeiture of not less than \$1,000 nor more than \$10,000. The bill also permits a person who suffers damages as a result of a violation to bring an action for injunctive relief and for actual damages or \$500 per violation, whichever is greater.

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:

BILL

14

1	S ECTION 1 . 100.52 (10) (a) of the statutes is renumbered 100.52 (10) and
2	amended to read:
3	100.52 (10) Except as provided in par. (b), a \underline{A} person who violates this section
4	may be required to forfeit \$100 not less than \$1,000 nor more than \$10,000 for each
5	violation.
6	Section 2. 100.52 (10) (b) of the statutes is repealed.
7	Section 3. 100.52 (11) of the statutes is created to read:
8	100.52 (11) PRIVATE CAUSE OF ACTION. Any person who suffers damages as the
9	result of another person's violation of this section or any rule promulgated by the
10	department under this section may bring an action against the violator for injunctive
11	relief and to recover the amount of those damages or \$500 for each violation,
12	whichever is greater. Notwithstanding s. 814.04 (1), in an action under this
13	subsection, the court shall award a prevailing plaintiff reasonable attorney fees.

D-Note

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-2843/1dn CTS:...



Representative Roys:

This draft is identical to LRB-2534/1.

Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
E-mail:
christopher.sundberg@legis.wisconsin.gov

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-2843/1dn CTS:kjf:jf

May 6, 2009

Representative Roys:

This draft is identical to LRB-2534/1.

Christopher T. Sundberg Legislative Attorney Phone: (608) 266–9739 E-mail: christopher.sundberg@legis.wisconsin.gov

Barman, Mike

From: Sent:

To:

Subject:

Rep.Roys Tuesday, May 19, 2009 12:56 PM LRB.Legal Draft Review: LRB 09-2843/1 Topic: Increase penalties for violations of do not call list

Please Jacket LRB 09-2843/1 for the ASSEMBLY.