

**2011 DRAFTING REQUEST**

**Bill**

Received: 01/11/2011

Received By: **csundber**

Wanted: **As time permits**

Companion to LRB:

For: **Jim Holperin (608) 266-2509**

By/Representing: **Brandon Strand**

May Contact:

Drafter: **csundber**

Subject: **Trade Regulation - other**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Holperin@legis.wisconsin.gov**

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

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**Pre Topic:**

No specific pre topic given

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**Topic:**

DATCP recommendations for adding robocalls to do not call list

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**Instructions:**

Draft ASA1 to 2009 AB 93 as bill

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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 01/13/2011	jdyer 01/18/2011		_____			
/1			rschluet 01/18/2011	_____	mbarman 01/18/2011	lparisi 01/18/2011	

FE Sent For:

<END>

*None*

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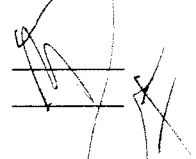
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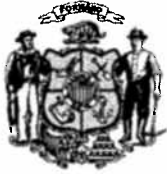
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/?	csundber	1/18 jld	 1/17/11				

FE Sent For:

<END>



ln: 1/13  
State of Wisconsin  
2009 - 2010 LEGISLATURE  
2011 - 2012

-0983/1  
LRB:0021/3  
CTS(mwr):jf  
PMNR  
jld

ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2009 ASSEMBLY BILL 93

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2011 BILL

~~December 4, 2009 Offered by Representative ROTH.~~

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Handwritten 'Gen'

1 AN ACT *to amend* 20.115 (8) (jm), 100.52 (title), 100.52 (2) (c) and 100.52 (2) (d);  
2 and *to create* 100.52 (6m) of the statutes; **relating to:** prohibiting certain  
3 telephone calls using electronically prerecorded messages, granting  
4 rule-making authority, and making an appropriation.

**Analysis by the Legislative Reference Bureau**

Current law regulates "telephone solicitation," which is 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 nonsolicitation directory maintained by the Department of Agriculture, Trade and Consumer Protection (DATCP) listing residential customers who do not wish to receive telephone solicitations. Current law also prohibits a telephone solicitor from using an electronically prerecorded message in a telephone solicitation made to any recipient without the recipient's consent. Nonprofit organizations are not subject to current law regulating telephone solicitations.

This substitute amendment prohibits any person from using an electronically prerecorded message in an unsolicited telephone call to a residential customer whose telephone number is included in the nonsolicitation directory, subject to the following exceptions: 1) a call initiated by a school or school district to a student, parent of a

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bill  
-2- use 3 times ✓

student, or an employee; 2) a call initiated to a residential customer by a person who has a current business or personal relationship with the customer; 3) a call initiated 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 call initiated by a college or university to a graduate of the college or university; and 5) a call initiated by a debt collector for the purpose of collecting a debt.

Under the substitute amendment, the department must promulgate rules requiring any person who uses, or requires an employee or contractor to use, an electronically prerecorded message in a telephone call to a residential customer in this state, other than a call covered by one of the exceptions in the substitute amendment, to register with and pay a fee to the department. A registration is valid for one year and may be renewed upon payment of a renewal fee to the department. Under the substitute amendment, registration and renewal fees for persons who use electronically prerecorded messages must equal the fees charged for a telephone solicitor under current law, except that the fees for nonprofit organizations may not exceed one-tenth of the fee charged for a telephone solicitor.

use 3 times  
DATCP

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

1 SECTION 1. 20.115 (8) (jm) of the statutes, as affected by 2009 Wisconsin Act 28,

2 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) and from registration and renewal fees paid  
6 under the rules promulgated under s. 100.52 (6m) (c) not appropriated under sub. (1)  
7 (im) for establishing and maintaining the nonsolicitation directory under s. 100.52  
8 (2).

9 SECTION 2. 100.52 (title) of the statutes is amended to read:

10 **100.52 (title) Telephone solicitations and electronically prerecorded**  
11 **messages.**

12 SECTION 3. 100.52 (2) (c) of the statutes is amended to read:

1           100.52 (2) (c) Except for copies of the nonsolicitation directory that are provided  
2 to registered telephone solicitors under par. (d) and to persons registered under sub.  
3 (6m) (c),<sup>✓</sup> the nonsolicitation directory is not subject to inspection, copying, or receipt  
4 under s. 19.35 (1) and may not be released by the department.

5           **SECTION 4.** 100.52 (2) (d)<sup>✓</sup> of the statutes is amended to read:

6           100.52 (2) (d) The department shall, on a semiannual basis, make the  
7 nonsolicitation directory available by electronic transmission only to telephone  
8 solicitors who are registered under sub. (3) and to persons registered under sub. (6m)  
9 (c).<sup>✓</sup> Upon the request of a telephone solicitor registered under sub. (3), the  
10 department shall also provide a printed copy of the nonsolicitation directory to the  
11 telephone solicitor. A telephone solicitor who receives a copy of the directory, or to  
12 whom the directory is made available by electronic transmission, under this  
13 paragraph or a person who receives a copy of the directory under sub. (6m) (c)<sup>✓</sup> may  
14 not solicit or accept from any person, directly or indirectly, anything of value in  
15 exchange for providing the person with any information included in the copy.

16           **SECTION 5.** 100.52 (6m)<sup>✓</sup> of the statutes is created to read:

17           100.52 (6m) ELECTRONICALLY PRERECORDED MESSAGES.<sup>✓</sup> (a) A person other than  
18 a telephone solicitor or an employee or contractor of a telephone solicitor may not use  
19 an electronically prerecorded message in an unsolicited telephone call to a  
20 residential customer if the nonsolicitation directory<sup>✓</sup> includes a listing for the  
21 residential customer.

22           (b) Paragraph (a)<sup>✓</sup> does not apply to any of the following:

23           1. A call initiated by a school, including a postsecondary school,<sup>✓</sup> or school  
24           district to a student,<sup>a</sup> parent of a student,<sup>✓</sup> or an employee.<sup>✓</sup>

1           2. A call initiated to a residential customer by a person who has a current  
2 business or personal relationship with the customer. ✓

3           3. A call initiated by a governmental unit that is intended to alert a recipient  
4 of the call to a danger to the recipient's health or safety. ✓

5           4. A call initiated by a college or university to a graduate of the college or  
6 university. ✓

7           5. A call initiated by a debt collector for the purpose of collecting a debt. ✓

8           (c) The department shall promulgate rules that require any person who uses,  
9 or requires an employee or contractor to use, an electronically prerecorded message  
10 in a telephone call to a residential customer in this state, other than the telephone  
11 calls specified in par. (b) 1. to 5., to register with the department and pay a  
12 registration fee to the department. ✓ The rules shall provide that a registration under  
13 this paragraph is valid for one year ✓ and may be renewed upon payment of a renewal  
14 fee to the department. ✓ The department shall establish registration and renewal fees  
15 under this paragraph ✓ equal to fees applicable to telephone solicitors under sub. (3)  
16 (a), except that the registration and renewal fees for nonprofit organizations may not  
17 exceed one-tenth ✓ of the fees applicable to telephone solicitors under sub. (3) (a). ✓

18                               (END)

**Basford, Sarah**

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**From:** Meinholz, Susan  
**Sent:** Tuesday, January 18, 2011 2:16 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 11-0983/1 Topic: DATCP recommendations for adding robocalls to do not call list

Please Jacket LRB 11-0983/1 for the SENATE.