

State of Wisconsin



2013 Senate Bill 155

Date of enactment: April 8, 2014
Date of publication*: April 9, 2014

2013 WISCONSIN ACT 234

AN ACT to repeal 100.52 (1) (e) and 100.52 (2); to renumber 100.52 (3) (b) and 100.52 (9); to renumber and amend 100.52 (3) (a); to amend 20.115 (1) (im), 20.115 (8) (jm), 100.52 (4) (a) 2., 100.52 (4) (b) 1. and 100.55 (3) (b) 3.; to repeal and recreate 100.52 (9) (title); and to create 100.52 (1) (c), 100.52 (1) (fm), 100.52 (1m), 100.52 (4) (b) 3., 100.52 (8) and 100.52 (9) (a) of the statutes; relating to: the prohibition on telephone solicitations to residential customers, granting rule-making authority, and making an appropriation.

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

SECTION 1. 20.115 (1) (im) of the statutes is amended to read:

20.115 (1) (im) *Consumer protection; telephone solicitor fees.* The amounts in the schedule from telephone solicitor registration and registration renewal fees paid under the rules promulgated under s. 100.52 (3) (a), for consumer protection and consumer information and education.

SECTION 2. 20.115 (8) (jm) of the statutes is amended to read:

20.115 (8) (jm) *Telephone solicitation regulation.* All moneys received from telephone solicitor registration and registration renewal fees paid under the rules promulgated under s. 100.52 (3) (a) not appropriated under sub. (1) (im) for ~~establishing and maintaining the nonsolicitation directory under~~ administering and enforcing s. 100.52 (2).

SECTION 3. 100.52 (1) (c) of the statutes is created to read:

100.52 (1) (c) "National do-not-call registry" means the national database established by the federal trade commission under [47 USC 227](#) (c) (3) that consists of

telephone numbers of residential customers who object to receiving telephone solicitations.

SECTION 4. 100.52 (1) (e) of the statutes is repealed.

SECTION 5. 100.52 (1) (fm) of the statutes is created to read:

100.52 (1) (fm) "State do-not-call registry" means the portion of the national do-not-call registry that consists of telephone numbers with Wisconsin area codes.

SECTION 6. 100.52 (1m) of the statutes is created to read:

100.52 (1m) NATIONAL DO-NOT-CALL REGISTRY. The department may cooperate with the federal trade commission to add telephone numbers included in the nonsolicitation directory, as defined in s. 100.52 (1) (e), 2011 stats., to the national do-not-call registry.

SECTION 7. 100.52 (2) of the statutes is repealed.

SECTION 8. 100.52 (3) (a) of the statutes is renumbered 100.52 (3) and amended to read:

100.52 (3) REGISTRATION OF TELEPHONE SOLICITORS. The department shall promulgate rules that require any telephone solicitor who requires an employee or contractor to make a telephone solicitation to a residential customer in this state to register with the department, obtain a registration number from the department, and pay ~~a~~ an initial registration fee and an annual registration renewal

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

~~fee to the department. The amount of the registration fee shall be based on the cost of establishing the nonsolicitation directory, and the amount that an individual telephone solicitor is required to pay shall be based on the number of telephone lines used by the telephone solicitor to make telephone solicitations or some other methodology established by the department by rule. The rules shall also require a telephone solicitor that registers with the department to pay an annual registration renewal fee to the department, at the time of initial registration, the time of annual renewal, and any other time upon request of the department, provide the department with proof that the telephone solicitor has complied with federal law in obtaining copies and updated versions of the state do-not-call registry. The amount of the registration renewal fee fees shall be based on the cost of maintaining the nonsolicitation directory amount required to administer and enforce this section and to provide the amounts appropriated under s. 20.115 (1) (im).~~

SECTION 9. 100.52 (3) (b) of the statutes is renumbered 100.52 (4) (d).

SECTION 10. 100.52 (4) (a) 2. of the statutes is amended to read:

100.52 (4) (a) 2. Make a telephone solicitation to a residential customer if the nonsolicitation directory that is provided or made available to the telephone solicitor under sub. (2) (d) includes a listing for the residential customer telephone number that, at the time the solicitation is made, is listed on the state do-not-call registry.

SECTION 11. 100.52 (4) (b) 1. of the statutes is amended to read:

100.52 (4) (b) 1. Require an employee or contractor to make a telephone solicitation to a person in this state unless the telephone solicitor is registered with the

department under the rules promulgated under sub. (3) (a).

SECTION 12. 100.52 (4) (b) 3. of the statutes is created to read:

100.52 (4) (b) 3. Use or possess a copy or updated version of the state do-not-call registry that the telephone solicitor has obtained in violation of federal law.

SECTION 13. 100.52 (8) of the statutes is created to read:

100.52 (8) RULES. The department may promulgate rules to administer and enforce this section.

SECTION 14. 100.52 (9) (title) of the statutes is repealed and recreated to read:

100.52 (9) (title) DEPARTMENT DUTIES.

SECTION 15. 100.52 (9) of the statutes is renumbered 100.52 (9) (b).

SECTION 16. 100.52 (9) (a) of the statutes is created to read:

100.52 (9) (a) The department shall publicize the procedures for a residential customer to add a telephone number to the national do-not-call registry.

SECTION 17. 100.55 (3) (b) 3. of the statutes is amended to read:

100.55 (3) (b) 3. Knowingly or negligently utilizing information regarding consumers who have made an election under [15 USC 1681b](#) (e) to be excluded from prescreened consumer reports, or who have registered their telephone numbers on the national do-not-call registry as provided in [47 CFR 64.1200](#), or who are listed in the nonsolicitation directory under s. 100.52 (2).

SECTION 18. Effective date.

(1) This act takes effect on the first day of the 4th month beginning after publication.