



State of Wisconsin
2013 - 2014 LEGISLATURE



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**SENATE AMENDMENT 1,
TO SENATE BILL 97**

May 23, 2013 – Offered by Senator HARSDORF.

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 1, line 4: delete “rules for requesting a listing in the nonsolicitation
3 directory” and substitute “prohibiting certain telephone solicitations”.
- 4 **2.** Page 2, line 1: before that line insert:
5 “**SECTION 1g.** 20.115 (1) (im) of the statutes is amended to read:
6 20.115 (1) (im) *Consumer protection; telephone solicitor fees.* The amounts in
7 the schedule from telephone solicitor registration and registration renewal fees paid
8 under the rules promulgated under s. 100.52 (3) (a), for consumer protection and
9 consumer information and education.”.
- 10 **3.** Page 2, line 1: delete “**SECTION 1**” and substitute “**SECTION 1r**”.
- 11 **4.** Page 2, line 4: delete “(a)” and substitute “(a)”.

1 **5.** Page 3, line 1: delete lines 1 and 2 and substitute “(im) for ~~establishing and~~
2 ~~maintaining the nonsolicitation directory under~~ administering and enforcing s.
3 100.52 (2).”.

4 **6.** Page 3, line 6: delete the material beginning with that line and ending with
5 page 4, line 10, and substitute:

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

7 100.52 (1) (c) “National do-not-call registry” means the national database
8 established by the federal trade commission under 47 USC 227 (c) (3) that consists
9 of telephone numbers of residential customers who object to receiving telephone
10 solicitations.

11 **SECTION 3m.** 100.52 (1) (e) of the statutes is repealed.

12 **SECTION 3s.** 100.52 (1) (fm) of the statutes is created to read:

13 100.52 (1) (fm) “State do-not-call registry” means the portion of the national
14 do-not-call registry that consists of telephone numbers with Wisconsin area codes.

15 **SECTION 4e.** 100.52 (1m) of the statutes is created to read:

16 100.52 (1m) NATIONAL DO-NOT-CALL REGISTRY. The department may cooperate
17 with the federal trade commission to add telephone numbers included in the
18 nonsolicitation directory, as defined in s. 100.52 (1) (e), 2011 stats., to the national
19 do-not-call registry.

20 **SECTION 4m.** 100.52 (2) of the statutes is repealed.

21 **SECTION 4s.** 100.52 (3) (a) of the statutes is renumbered 100.52 (3) and
22 amended to read:

23 100.52 (3) REGISTRATION OF TELEPHONE SOLICITORS. The department shall
24 promulgate rules that require any telephone solicitor who requires an employee or

1 contractor to make a telephone solicitation to a residential customer in this state to
2 register with the department, obtain a registration number from the department,
3 and pay ~~a~~ an initial registration fee and an annual registration renewal fee to the
4 department. ~~The amount of the registration fee shall be based on the cost of~~
5 ~~establishing the nonsolicitation directory, and the amount that an individual~~
6 ~~telephone solicitor is required to pay shall be based on the number of telephone lines~~
7 ~~used by the telephone solicitor to make telephone solicitations~~ or some other
8 methodology established by the department by rule. The rules shall also require a
9 telephone solicitor that registers with the department to ~~pay an annual registration~~
10 ~~renewal fee to the department,~~ at the time of initial registration, the time of annual
11 renewal, and any other time upon request of the department, provide the department
12 with proof that the telephone solicitor has complied with federal law in obtaining
13 copies and updated versions of the state do-not-call registry. The amount of the
14 registration renewal fee fees shall be based on the ~~cost of maintaining the~~
15 ~~nonsolicitation directory~~ amount required to administer and enforce this section and
16 to provide the amounts appropriated under s. 20.115 (1) (im).

17 **SECTION 5d.** 100.52 (3) (b) of the statutes is renumbered 100.52 (4) (d).

18 **SECTION 5h.** 100.52 (4) (a) 2. of the statutes is amended to read:

19 100.52 (4) (a) 2. Make a telephone solicitation to a residential customer ~~if the~~
20 ~~nonsolicitation directory that is provided or made available to the telephone solicitor~~
21 ~~under sub. (2) (d) includes a listing for the residential customer~~ telephone number
22 that, at the time the solicitation is made, is listed on the state do-not-call registry.

23 **SECTION 5p.** 100.52 (4) (b) 1. of the statutes is amended to read:

1 100.52 (4) (b) 1. Require an employee or contractor to make a telephone
2 solicitation to a person in this state unless the telephone solicitor is registered with
3 the department under the rules promulgated under sub. (3) (a).

4 **SECTION 5t.** 100.52 (4) (b) 3. of the statutes is created to read:

5 100.52 (4) (b) 3. Use or possess a copy or updated version of the state
6 do-not-call registry that the telephone solicitor has obtained in violation of federal
7 law.”.

8 **7.** Page 4, line 15: delete “nonsolicitation directory” and substitute “state
9 do-not-call registry”.

10 **8.** Page 5, line 1: after that line insert:

11 “6. A call initiated by an in-state nonprofit organization to provide information
12 in a nonpartisan manner about voting or election times or schedules.

13 7. A call providing the recipient with the opportunity to connect to a live
14 operator and participate in a teleconference with an elected official.”.

15 **9.** Page 5, line 5: delete “5.” and substitute “7.”.

16 **10.** Page 5, line 10: delete “(a)”.

17 **11.** Page 5, line 11: delete “(a)”.

18 **12.** Page 5, line 11: after that line insert:

19 “**SECTION 7c.** 100.52 (8) of the statutes is created to read:

20 100.52 (8) RULES. The department may promulgate rules to administer and
21 enforce this section.

22 **SECTION 7g.** 100.52 (9) (title) of the statutes is repealed and recreated to read:

23 100.52 (9) (title) DEPARTMENT DUTIES.

24 **SECTION 7L.** 100.52 (9) of the statutes is renumbered 100.52 (9) (b).

1 **SECTION 7p.** 100.52 (9) (a) of the statutes is created to read:

2 100.52 (9) (a) The department shall publicize the procedures for a residential
3 customer to add a telephone number to the national do-not-call registry.

4 **SECTION 7t.** 100.55 (3) (b) 3. of the statutes is amended to read:

5 100.55 (3) (b) 3. Knowingly or negligently utilizing information regarding
6 consumers who have made an election under 15 USC 1681b (e) to be excluded from
7 prescreened consumer reports, or who have registered their telephone numbers on
8 the national do-not-call registry as provided in 47 CFR 64.1200, ~~or who are listed~~
9 ~~in the nonsolicitation directory under s. 100.52 (2).~~

10 **SECTION 7x. Effective date.**

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

13

(END)