



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2001 Senate Bill 35

Senate Amendments 1, 2, and 3

Memo published: November 13, 2001

Contact: Richard Sweet, Senior Staff Attorney (266-2982)

Senate Bill 35 makes a number of changes in s. 196.208, Stats., the statutory section dealing with telecommunications pay-per-call and toll-free services. Current law prohibits a toll-free service vendor from transferring the calling party to a pay-per-call service; the bill also prohibits transferring the calling party to an international number. The bill requires a biennial report to the Legislature from the Department of Agriculture, Trade and Consumer Protection (DATCP) and the Department of Justice (DOJ) on complaints received by DATCP concerning possible violations of s. 196.208, Stats., and on efforts of DOJ in enforcing that section. In addition, the bill requires DATCP to report violations of s. 196.208, Stats., to DOJ. The bill also prohibits a telecommunications utility from providing billing services to a pay-per-call provider that has been convicted of a violation of s. 196.208, Stats., without the prior approval of the Public Service Commission.

The bill also modifies the provisions dealing with enforcement of s. 196.208, Stats. Under current law, a person adversely affected by a failure to comply with the statute may recover damages; the bill provides for treble damages. In addition, the bill increases the penalties for violators of that statute from a forfeiture of \$25 to \$5,000 under current law to a fine of \$100 to \$10,000 under the bill. In addition, the bill allows for imprisonment for not more than 90 days for violators.

Senate Amendment 1 amends the statute that allows DATCP or any of its authorized agents, in relation to any matter within DATCP's power, to conduct hearings, administer oaths, issue subpoenas and take testimony. That section is amended to include a cross-reference to s. 196.208, Stats., as a matter within DATCP's power.

Senate Amendment 2 specifies an initial applicability date for provisions of the bill that prohibit telecommunications utilities from providing billing services to convicted violators, provide treble damages for violations, and increase penalties for violations. Under the amendment, these provisions first apply to violations that occur on the effective date of the bill.

Senate Amendment 3 relates to the biennial report from DATCP and DOJ to the Legislature. The amendment allows the report to be submitted electronically and distributed electronically.

On March 8, 2001, the Senate Committee on Privacy, Electronic Commerce and Financial Institutions recommended adoption of Senate Amendment 1 on a vote of Ayes, 5; Noes, 0; and passage of the bill, as amended, on a vote of Ayes, 5; Noes, 0.

On November 5, 2001, the Joint Committee on Finance recommended adoption of Senate Amendments 1, 2, and 3, and passage of the bill, as amended, all on votes of Ayes, 16; Noes, 0.

On November 6, 2001, the Senate adopted Senate Amendments 1, 2, and 3, all on voice votes; and passed the bill, as amended, on a vote of Ayes, 33; Noes, 0.

RNS:wu:rv;jal;ksm;tlu