

State of Misconsin 1999 - 2000 LEGISLATURE

## **1999 ASSEMBLY BILL 766**

February 17, 2000 – Introduced by Representatives PETTIS, HAHN, MUSSER, HUTCHISON and JENSEN, cosponsored by Senators BAUMGART and ROSENZWEIG. Referred to Committee on Judiciary and Personal Privacy.

1 AN ACT to amend 100.264 (2) (intro.); and to create 100.52 of the statutes; 2 relating to: prohibiting telephone solicitations during certain hours and 3 providing a penalty.

## Analysis by the Legislative Reference Bureau

This bill prohibits a person from making a telephone solicitation between 5 p.m. and 7 p.m., central time. The department of agriculture, trade, and consumer protection has enforcement authority for the prohibition. A "telephone solicitation" is defined as the unsolicited initiation of a telephone conversation for the purpose of encouraging a person to purchase property, goods or services. The bill's prohibition applies to any interstate telephone solicitation received by a person in this state and any intrastate telephone solicitation. A person who violates the prohibition is subject to a forfeiture of no more than \$500, except that, under certain circumstances, if the telephone solicitation was made to an elderly or disabled person, the person may be subject to a supplemental forfeiture of no more than \$10,000.

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:

1999 – 2000 Legislature

## ASSEMBLY BILL 766

1	<b>SECTION 1.</b> 100.264 (2) (intro.) of the statutes is amended to read:
2	100.264 (2) SUPPLEMENTAL FORFEITURE. (intro.) If a fine or a forfeiture is
3	imposed on a person for a violation under s. 100.16, 100.17, 100.18, 100.182, 100.183,
4	100.20, 100.205, 100.207, 100.21, 100.30 (3), 100.35, 100.44 or, 100.46 or 100.52 or
5	a rule promulgated under one of those sections, the person shall be subject to a
6	supplemental forfeiture not to exceed \$10,000 for that violation if the conduct by the
7	defendant, for which the violation was imposed, was perpetrated against an elderly
8	person or disabled person and if the court finds that any of the following factors is
9	present:
10	<b>SECTION 2.</b> 100.52 of the statutes is created to read:
11	100.52 Telephone solicitations. (1) DEFINITION. In this section, "telephone
12	solicitation" has the meaning given in s. 134.72 (1) (c).
13	(2) PROHIBITION. No person may make a telephone solicitation between the
14	hours of 5 p.m. and 7 p.m., central time.
15	(3) PENALTY. A person who violates this section may forfeit no more than \$500.
16	(4) TERRITORIAL APPLICATION. This section applies to any interstate telephone
17	solicitation that is received by a person in this state and any intrastate telephone
18	solicitation.
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(END)