



# Unwanted and Unsolicited Telephone Communications

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Unwanted and unsolicited telemarketing calls and text messages, often referred to as spam, can be frustrating for consumers, but both state and federal law regulate these communications. This issue brief summarizes state and federal law on the Do-Not-Call Registry, prohibited telephone solicitations, and prohibited spoofing (using false caller identification information to disguise one's true identity), along with relevant resources for reporting potential violations of these laws.

## DO-NOT-CALL REGISTRY

Federal law establishes a Do-Not-Call Registry implemented and enforced by the Federal Trade Commission (FTC). Wisconsin law authorizes the Department of Agriculture, Trade, and Consumer Protection (DATCP) to cooperate with the FTC to add telephone numbers to the national registry. A Wisconsin resident can sign up for the Do-Not-Call Registry through either the [FTC](#) or [DATCP](#).

## TELEPHONE SOLICITATIONS

Both state and federal law regulate telephone solicitations to varying degrees. State law generally requires telemarketers to be registered and requires certain disclosures in their communications, while federal law generally prohibits deceptive and abusive telemarketing practices.

### State Law

Wisconsin law prohibits certain telephone and text message solicitations. The statutes define a telephone solicitation as an unsolicited initiation of a telephone conversation or text message for the purpose of encouraging the recipient to purchase property, goods, or services.<sup>1</sup> However, mass advertisement, communication first initiated by the consumer, and noncommercial communication (including political messages) are not considered telephone solicitations and are therefore not regulated under these laws. Telephone solicitors subject to state regulation must register with DATCP before they are able to make telephone solicitations.<sup>2</sup>

Also, telephone solicitors generally cannot communicate with a number on the Do-Not-Call Registry, use a prerecorded message, or contact a nonresidential customer that has provided notice by mail that they do not wish to receive solicitations.<sup>3</sup> Lastly, telephone solicitors must disclose at the beginning of the telephone conversation the fact that they are a telephone solicitor and, if not a telephone solicitor, identify the person selling the property, good, service, or receiving the donation at issue.<sup>4</sup>

### Federal Law

Under federal law, telemarketing only includes telephone calls. Specifically, telemarketing is defined as a plan, program, or campaign conducted to induce the purchase of goods, services, or a charitable contribution involving more than one interstate telephone call. Federal law generally prohibits sellers and telemarketers from engaging in deceptive and abusive telephone solicitation practices.<sup>5</sup>

Deceptive practices include the following:

- Failing to disclose certain information in a clear and conspicuous manner before a customer consents to pay.

- Misrepresenting, either directly or by implication, certain material information in the sale of goods or services.
- Causing billing information to be submitted for payment or attempting to collect payment without the customer or donor's express verifiable authorization, with specific exceptions.
- Making false or misleading statements to induce any person to pay for goods or services or make a charitable donation.<sup>6</sup>

Abusive practices generally include threats or intimidation, causing billing information to be submitted for payment without the express informed consent of the customer, and failing to transmit the telephone number and name of the telemarketer to any caller identification service, among other practices.<sup>7</sup>

Additionally, calling or engaging any person in a conversation continuously, repeatedly, or with intent to annoy, abuse, or harass the person; calling before 8 a.m. and after 9 p.m. local time; and not making required disclosures are abusive telemarketing practices.<sup>8</sup>

## SPOOFING

Both state and federal law prohibit caller identification spoofing. Spoofing occurs when a caller purposefully falsifies their caller identification display in order to disguise their true identity. Often neighbor spoofing is utilized, so it appears that the call is coming from a local number in order to increase the chances of the call being answered.

### State Law

Recently enacted Wisconsin law prohibits any person from knowingly transmitting misleading or inaccurate caller identification records with intent to defraud or wrongfully obtain anything of value, including personally identifiable information, in connection with any telecommunication service.<sup>9</sup>

There are two exceptions to the general prohibition on spoofing.<sup>10</sup> First, the prohibition does not apply to authorized law enforcement activity or a court order specifically authorizing manipulation of a caller identification record. Second, the prohibition does not apply to a provider of telecommunication services, internet access services, or voice over services engaged in certain activities.

### Federal Law

Similarly, federal law prohibits any person from knowingly causing any caller identification service to transmit or display misleading or inaccurate caller identification with intent to defraud, cause harm, or wrongfully obtain anything of value.<sup>11</sup> This prohibition does not apply to law enforcement, political subdivisions, intelligence agencies, or activity engaged in pursuant to a court order.<sup>12</sup>

## REPORTING RESOURCES

Consumer complaints regarding prohibited telephone solicitations may be filed with DATCP, the Federal Communications Commission (FCC), or the FTC. For information on filing a complaint, see the [DATCP complaint page](#) for violations under state law, the [FCC complaint page](#) for violations of federal spoofing prohibitions, or the [FTC complaint page](#) for violations of the telemarketing regulations.

<sup>1</sup> s. [100.52 \(1\) \(i\)](#), Stats.

<sup>2</sup> s. [100.52 \(3\)](#), Stats.

<sup>3</sup> s. [100.52 \(4\) \(a\)](#), Stats.

<sup>4</sup> s. [100.52 \(4\) \(d\)](#), Stats.

<sup>5</sup> [16 C.F.R. s. 310.2 \(hh\)](#).

<sup>6</sup> [16 C.F.R. s. 310.3](#).

<sup>7</sup> [16 C.F.R. s. 310.4 \(a\)](#).

<sup>8</sup> [16 C.F.R. s. 310.4 \(b\)-\(e\)](#).

<sup>9</sup> s. [100.523 \(2\)](#), Stats., created in [2023 Wisconsin Act 243](#), becomes effective on April 1, 2025.

<sup>10</sup> s. [100.523 \(3\)](#), Stats., created in [2023 Wisconsin Act 243](#), becomes effective on April 1, 2025.

<sup>11</sup> [47 C.F.R. 64.1604 \(a\)](#).

<sup>12</sup> [47 C.F.R. 64.1064 \(b\)](#).