



State of Wisconsin
2009 - 2010 LEGISLATURE

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ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO 2009 ASSEMBLY BILL 246

December 15, 2009 – Offered by Representatives BLACK and ROTH.

1 **AN ACT** *to amend* 20.115 (8) (jm), 100.52 (title), 100.52 (2) (c) and 100.52 (2) (d);
2 and *to create* 100.52 (6m) of the statutes; **relating to:** prohibiting certain
3 telephone calls using electronically prerecorded messages, granting
4 rule-making authority, and making an appropriation.

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

5 **SECTION 1.** 20.115 (8) (jm) of the statutes, as affected by 2009 Wisconsin Act 28,
6 is amended to read:
7 20.115 (8) (jm) *Telephone solicitation regulation.* All moneys received from
8 telephone solicitor registration and registration renewal fees paid under the rules
9 promulgated under s. 100.52 (3) (a) and from registration and renewal fees paid
10 under the rules promulgated under s. 100.52 (6m) (c) not appropriated under sub. (1)
11 (im) for establishing and maintaining the nonsolicitation directory under s. 100.52
12 (2).

1 **SECTION 2.** 100.52 (title) of the statutes is amended to read:

2 **100.52** (title) **Telephone solicitations and electronically prerecorded**
3 **messages.**

4 **SECTION 3.** 100.52 (2) (c) of the statutes is amended to read:

5 100.52 **(2)** (c) Except for copies of the nonsolicitation directory that are provided
6 to registered telephone solicitors under par. (d) and to persons registered under sub.
7 (6m) (c), the nonsolicitation directory is not subject to inspection, copying, or receipt
8 under s. 19.35 (1) and may not be released by the department.

9 **SECTION 4.** 100.52 (2) (d) of the statutes is amended to read:

10 100.52 **(2)** (d) The department shall, on a semiannual basis, make the
11 nonsolicitation directory available by electronic transmission only to telephone
12 solicitors who are registered under sub. (3) and to persons registered under sub. (6m)
13 (c). Upon the request of a telephone solicitor registered under sub. (3), the
14 department shall also provide a printed copy of the nonsolicitation directory to the
15 telephone solicitor. A telephone solicitor who receives a copy of the directory, or to
16 whom the directory is made available by electronic transmission, under this
17 paragraph or a person who receives a copy of the directory under sub. (6m) (c) may
18 not solicit or accept from any person, directly or indirectly, anything of value in
19 exchange for providing the person with any information included in the copy.

20 **SECTION 5.** 100.52 (6m) of the statutes is created to read:

21 100.52 **(6m)** ELECTRONICALLY PRERECORDED MESSAGES. (a) A person other than
22 a telephone solicitor or an employee or contractor of a telephone solicitor may not use
23 an electronically prerecorded message in an unsolicited telephone call to a
24 residential customer if the nonsolicitation directory includes a listing for the
25 residential customer.

1 (b) Paragraph (a) does not apply to any of the following:

2 1. A call by a school or school district to a student, parent of a student, or an
3 employee.

4 2. A call to a residential customer initiated by a person who has a current
5 business or personal relationship with the customer.

6 3. A call by a governmental unit that relates to a danger to health or safety.

7 4. A call by an organization to a member of the organization.

8 (c) The department shall promulgate rules that require any person who uses,
9 or requires an employee or contractor to use, an electronically prerecorded message
10 in a telephone call to a residential customer in this state, other than the telephone
11 calls specified in par. (b) 1. to 4., to register with the department and pay a
12 registration fee to the department. The rules shall provide that a registration under
13 this paragraph is valid for one year and may be renewed upon payment of a renewal
14 fee to the department. The department shall establish registration and renewal fees
15 under this paragraph equal to fees applicable to telephone solicitors under sub. (3)
16 (a), except that the registration and renewal fees for nonprofit organizations may not
17 exceed one-tenth of the fees applicable to telephone solicitors under sub. (3) (a).

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(END)