



---

---

**WISCONSIN LEGISLATIVE COUNCIL  
AMENDMENT MEMO**

---

---

<b>2007 Senate Bill 172</b>	<b>Senate Amendment 1</b>
<i>Memo published: September 27, 2007</i>	<i>Contact: Jessica L. Karls, Staff Attorney (266-2230)</i>

**SENATE BILL 172**

**Prohibition on Use of Automatic Dialing Announcing Devices**

Senate Bill 172 provides that no person may use an automatic dialing announcing device (“dialing device”) to call a telephone number pertaining to a residential customer in this state unless:

1. The dialing device is designed and operated to disconnect not more than 10 seconds after a recipient terminates the connection; and
2. Either: (a) before the person uses the dialing device to call the telephone number, the person has obtained the residential customer’s **written authorization** to call the customer using a dialing device; or (b) before the person uses the dialing device to disseminate a voice message, a live operator has immediately disclosed the name of the person on whose behalf the customer has been called and the purpose of the call, including whether the call is intended to solicit funds, and has obtained the residential customer’s verbal consent to receive a voice message from a dialing device.

“Automatic dialing announcing device” is defined in the bill as a device that: (1) dials a telephone number; and (2) disseminates, whether alone or in conjunction with another device, a prerecorded or synthesized voice message. A “residential customer” is an individual who is furnished with basic local exchange service by a telecommunications utility, but does not include an individual who operates a business at the individual’s residence. [s. 100.52 (1) (f), Stats.]

**Exemptions**

The prohibition on the use of dialing devices does not apply to any of the following:

1. A call by a school or school district to a student, parent of a student, or employee.
2. A call to a residential customer initiated by a person who has a current business or personal relationship with the customer.
3. A call by a governmental unit that is intended to alert a recipient of the call to a danger to the recipient's health or safety.

### **Penalty**

A person who violates the prohibition on the use of dialing devices is subject to a forfeiture of \$100 for each violation.

### **SENATE AMENDMENT**

Item 1 of Senate Amendment 1 allows a person to obtain the residential customer's written **or electronic** authorization to call the customer using a dialing device.

Item 2 of Senate Amendment 1 amends the exemption for a call to a residential customer initiated by a person who has a current business or personal relationship with the customer. The amendment provides that ***if the call to a residential customer initiated by a person who has a current business or personal relationship with the customer is a telephone solicitation, then the exemption does not apply.*** "Telephone solicitation" is the unsolicited initiation of a telephone conversation for the purpose of encouraging the recipient of the telephone call to purchase property, goods, or services. [s. 100.52 (1) (i), Stats.]

### **LEGISLATIVE HISTORY**

Senate Amendment 1 was offered by Senator Carpenter. On September 19, 2007, the Senate Committee on Public Health, Senior Issues, Long-Term Care and Privacy recommended adoption of the amendment on a vote of Ayes, 4; Noes, 0. The committee then recommended passage of the bill, as amended, on a vote of Ayes, 4; Noes, 0. Senator Coggs abstained from voting on the amendment and bill.

JK:jal