



1997 SENATE BILL 283

August 28, 1997 - Introduced by Senators RISSER, MOEN and HUELSMAN, cosponsored by Representatives BOCK, CARPENTER, NOTESTEIN, GUNDERSON, HANDRICK, HARSDORF, PLALE, PLOUFF and GRONEMUS. Referred to Committee on Judiciary, Campaign Finance Reform and Consumer Affairs.

1 **AN ACT** *to renumber* 134.72 (1) (a); *to amend* 134.72 (title), 134.72 (3) (a), 134.72
2 (3) (b), 134.72 (3) (b) and 968.01 (1); and *to create* 134.72 (1) (ag) and 134.72
3 (2) (c) of the statutes; **relating to:** unsolicited messages transmitted by
4 electronic mail.

Analysis by the Legislative Reference Bureau

Current law restricts the transmittal of unsolicited documents by facsimile machine that encourage persons to purchase property, goods or services. These restrictions prohibit the transmittal of unsolicited documents that are more than one page to persons with whom the person sending the documents has not had a prior business relationship.

This bill expands this coverage to include the transmittal of unsolicited messages by electronic mail.

For further information see the *state and local* 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:

5 **SECTION 1.** 134.72 (title) of the statutes is amended to read:

SENATE BILL 283**SECTION 1**

1 **134.72** (title) **Prohibition of certain unsolicited messages by telephone**
2 **or facsimile machine and documents.**

3 **SECTION 2.** 134.72 (1) (a) of the statutes is renumbered 134.72 (1) (am).

4 **SECTION 3.** 134.72 (1) (ag) of the statutes is created to read:

5 134.72 (1) (ag) “Electronic mail solicitation” means the unsolicited
6 transmission of a message by electronic mail for the purpose of encouraging a person
7 to purchase property, goods or services.

8 **SECTION 4.** 134.72 (2) (c) of the statutes is created to read:

9 134.72 (2) (c) *Electronic mail solicitation.* 1. A person may not make an
10 electronic mail solicitation without the consent of the person solicited unless all of
11 the following apply:

12 a. The message transmitted, if printed, does not exceed one page in length and
13 is received by the person solicited after 9 p.m. and before 6 a.m.

14 b. The person making the electronic mail solicitation has had a previous
15 business relationship with the person solicited.

16 2. Notwithstanding subd. 1., a person may not make a electronic mail
17 solicitation to a person who has notified the solicitor in writing or by electronic mail
18 that the person does not want to receive an electronic mail solicitation.

19 **SECTION 5.** 134.72 (3) (a) of the statutes is amended to read:

20 134.72 (3) (a) *Intrastate.* This section applies to any intrastate telephone
21 solicitation or, intrastate facsimile solicitation or intrastate electronic mail
22 solicitation.

23 **SECTION 6.** 134.72 (3) (b) of the statutes is amended to read:

