



2013 SENATE BILL 6

January 31, 2013 – Introduced by Senators HANSEN, T. CULLEN, CARPENTER, RISSER and LASSA, cosponsored by Representatives CLARK, BERCEAU, BILLINGS, DANOU, DOYLE, GENRICH, HEBL, KAHL, POPE, RINGHAND, SINICKI, VRUWINK and WRIGHT. Referred to Committee on Government Operations, Public Works, and Telecommunications.

1 **AN ACT to create** 100.522 of the statutes; **relating to:** prohibiting the use of
2 telephone automatic dialing–announcing devices for political messages and
3 providing a penalty.

Analysis by the Legislative Reference Bureau

This bill prohibits any caller from using an automatic dialing–announcing device to disseminate a prerecorded or synthesized voice message that has a political purpose. The bill defines “automatic dialing–announcing device” as a device that selects and dials telephone numbers and that, working alone or in conjunction with other equipment, disseminates a voice message. The bill defines “caller” as any person who uses a telephone or telephone line to contact or attempt to contact a telephone service subscriber or any person living or residing with such a subscriber. The prohibition applies to a voice message that has a “political purpose,” which has the same meaning as under current state campaign finance law. Under that meaning, “political purpose” includes the purpose of influencing an election, recall, or referendum vote. The bill applies to any interstate or intrastate voice message that is received by a person in this state.

Under current law, the Department of Agriculture, Trade and Consumer Protection (DATCP) enforces certain requirements regarding telephone solicitors. The bill requires DATCP to also investigate violations of the bill and bring enforcement actions for violations. The bill also creates a civil forfeiture of no more than \$100 for each violation of the bill, which is the same amount as the civil forfeiture under current law for violating the telephone solicitor requirements.

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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:

1 **SECTION 1.** 100.522 of the statutes is created to read:

2 **100.522 Automatic dialing-announcing devices; political messages.**

3 **(1) DEFINITIONS.** In this section:

4 (a) “Automatic dialing-announcing device” means a device that does all of the
5 following:

6 1. Selects and dials telephone numbers.

7 2. Working alone or in conjunction with other equipment, disseminates a
8 prerecorded or synthesized voice message to the telephone number called.

9 (b) “Caller” means any person that attempts to contact or contacts a subscriber
10 in this state by using a telephone or telephone line.

11 (c) “Political purpose” has the meaning given in s. 11.01 (16).

12 (d) “Subscriber” means any of the following:

13 1. A person who has subscribed to telephone service from a telephone company.

14 2. Any other person living or residing with a person described in subd. 1.

15 **(2) PROHIBITION.** No caller may use or connect to a telephone line an automatic
16 dialing-announcing device to disseminate a voice message that has a political
17 purpose.

18 **(3) TERRITORIAL APPLICATION.** This section applies to any interstate or intrastate
19 voice message received by a person in this state.

