



2009 ASSEMBLY BILL 246

April 30, 2009 – Introduced by Representatives BLACK, SMITH, DEXTER, CLARK, HEBL, BERCEAU, POPE-ROBERTS, BENEDICT, A. WILLIAMS and HIXSON, cosponsored by Senators HOLPERIN, CARPENTER and HARSDORF. Referred to Committee on Consumer Protection.

- 1 **AN ACT** *to create* 100.523 of the statutes; **relating to:** the use of automatic
2 dialing announcing devices and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill regulates the use of automatic dialing announcing devices. The bill defines an “automatic dialing announcing device” as a device that dials a telephone number and disseminates, alone or in conjunction with another device, a voice message.

Under the bill, the use of an automatic dialing announcing device to call a residential telephone customer is prohibited unless the recipient has consented in writing or the person using the device obtains the customer’s verbal consent using a live operator before disseminating the message. An automatic dialing announcing device must disconnect within ten seconds after a recipient terminates a call. The provisions of the bill do not apply to a call by a school to students, parents, or employees; to a call to a residential customer by a person who has a current business or personal relationship with the customer; to a call by a governmental unit to alert the recipient to a danger to health or safety; or to a call by an organization to a member of the organization.

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:

ASSEMBLY BILL 246**SECTION 1**

1 **SECTION 1.** 100.523 of the statutes is created to read:

2 **100.523 Automatic dialing announcing devices. (1)** In this section:

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

5 1. Dials a telephone number.

6 2. Disseminates, whether alone or in conjunction with another device, a
7 prerecorded or synthesized voice message.

8 (b) “Governmental unit” means an agency of this state or of a city, village, town,
9 or county.

10 (c) “Residential customer” has the meaning given in s. 100.52 (1) (f).

11 **(2)** No person may use an automatic dialing announcing device to call a
12 telephone number pertaining to a residential customer in this state unless all of the
13 following apply:

14 (a) One of the following is true:

15 1. Before the person uses the device to call the telephone number, the person
16 has obtained the residential customer’s written authorization to call the customer
17 using an automatic dialing announcing device.

18 2. Before the person uses the device to disseminate a voice message, a live
19 operator has done all of the following:

20 a. Immediately disclosed the name of the person on whose behalf the customer
21 has been called and the purpose of the call, including whether the call is intended to
22 solicit funds.

23 b. Obtained the residential customer’s verbal consent to receive a voice
24 message from an automatic dialing announcing device.

ASSEMBLY BILL 246

1 (b) The automatic dialing announcing device is designed and operated to
2 disconnect not more than 10 seconds after a recipient terminates the connection.

3 (3) This section does not apply to any of the following:

4 (a) A call by a school or school district to a student, parent of a student, or an
5 employee.

6 (b) A call to a residential customer initiated by a person who has a current
7 business or personal relationship with the customer.

8 (c) A call by a governmental unit that is intended to alert a recipient of the call
9 to a danger to the recipient's health or safety.

10 (d) A call by an organization to a member of the organization.

11 (4) A person who violates this section may be required to forfeit \$100 for each
12 violation.

13 (END)