

How do telemarketers register for the Wisconsin No Call list?

Telemarketers or companies that market over the telephone may obtain a copy of the Wisconsin No Call list by completing an annual registration form and paying annual fees.

The No Call list is a directory that includes listings indicating Wisconsin residential customers with basic local exchange or commercial mobile service by a telecommunications utility who do not want to receive any telephone solicitations.

Telemarketers may contact the Wisconsin Department of Agriculture, Trade and Consumer Protection (WDATCP) to obtain a telephone solicitor registration packet at:

Wisconsin Department of Agriculture,
Trade and Consumer Protection
No Call Program
PO Box 8911
Madison WI 53708-8911
608-224-4999

Telephone: 800-422-7128 (WI only)

Fax: 608-224-4939

Email: DATCPWINoCall@Wisconsin.gov

Website: NoCall.Wisconsin.gov

The telephone solicitor registration is not transferable.

How much does the No Call list cost?

A telemarketer registering with WDATCP must pay the following annual fees or an annual fee of \$20,000 whichever is less:

- A basic annual registration fee of \$700 for the first year of registration, and \$500 for each year thereafter.
- A supplementary annual fee of \$75 for each telephone line used by the registrant (or the registrant's employees

or individual agents) to make telephone solicitations. This fee does not apply if the registrant uses fewer than four (4) telephone lines.

A telephone line is defined as a circuit or channel, including a voice grade equivalent channel, that is derived from a line, cable or digital facility, and that may be used to make a telephone call.

A T1 line can transmit 24 digitized voice channels. A T3 line is equal to having 28 T1 lines. If you are using a T1 line, you have access to 24 channels or telephone lines. Therefore, a T1 line should not be considered one line and, in fact, may be as many as 24 lines.

Under this definition, a "telephone line" includes wireless channels.

- A supplementary annual fee of \$25 for each e-mail address to which the registrant requests WDATCP to send the No Call list. This fee does not apply if the registrant asks WDATCP to send only one e-mail copy of the No Call list.
- A supplementary annual fee of \$25 for each copy that the registrant requests WDATCP to send the No Call list in compact disc form.
- A supplementary annual fee of \$1,000 for each copy that the registrant requests WDATCP to send the No Call list in hard copy print form.

Quarterly installments. A registrant may pay the annual fees under this registration in quarterly installments as follows:

The four quarterly installments are due by December 1, March 1, June 1 and September 1 of the registration year, or on the date of initial registration, whichever is later.

The department may reduce or waive one or more quarterly installments if WDATCP's projected fiscal-year end cash balance in the No Call appropriation exceeds WDATCP's projected fiscal year expenditures from that appropriation during the fiscal year by at least 15%.

A reduction or waiver, if any, is applied to all registrants. A reduction, if any, is a uniform percentage reduction in the quarterly installment that a registrant would otherwise pay. A reduction or waiver of a quarterly installment reduces, by the amount of that reduction or waiver, the annual fee required under this registration.

A registrant must notify the department whenever there is a material change in the information provided on the registration form. The registrant may owe additional fees for that registration year because of the change.

The total annual registration and registration renewal fees are not prorated.

What information will be on the Wisconsin No Call list?

The list will include the telephone numbers and corresponding zip codes of Wisconsin residential customers who do not want to receive telephone solicitations. This list will not contain the names or addresses of the participants.

The law excludes businesses and business telephone numbers. However, a telephone solicitor may not make a telephone solicitation to a nonresidential telephone customer if they have notified the telephone solicitor by mail that they do not wish to receive telephone solicitations.

When do telemarketers renew their telephone solicitor registration?

The telephone solicitor registration renewal form and payment must be postmarked on or before November 30. A person who files an

application for the renewal of a telephone solicitor registration after the registration has expired (November 30) shall pay, in addition to the total annual registration fee (includes the registration renewal fee, the telephone line fee and list distribution fee), an additional fee equal to 20% of the total annual registration fee. (*Wis. Stats. § 93.21 (5) (b)*)

How often do I need to update my list/my company's list/my client's list?

WDATCP updates the Wisconsin No Call List on a quarterly basis, effective January 1, April 1, July 1, and October 1. Therefore, it will be necessary for telemarketers to update their solicitation lists to match these updates. To make this possible, each quarter WDATCP will deliver to your business an updated No Call list by e-mail, compact disc or hard copy. Each list indicates the effective date. The effective date will never be less than 10 business days from the delivery date of the list.

After receiving the updated No Call list, you must update your solicitation list by the effective date—no later than the first day of the subsequent quarter.

Can I make copies of the No Call list and distribute them?

NO. The registration fee gives you, your employees and individuals acting as contractors with you under this registration, access to the No Call list to purge numbers on the list from your telemarketing database or the databases of your clients.

IMPORTANT: Reproduction of the No Call list in any form for resale in whole or in part to any other party for any reason is expressly forbidden. People caught distributing the list will be prosecuted to the fullest extent of the law.

I am not sure if my company qualifies as a “telemarketer.” How do I know if I am covered under this law or not?

A firm must register annually with WDATCP if the firm employs or contracts with individuals to make telephone solicitations to Wisconsin residential telephone customers. A firm that sells property, goods or services may register on behalf of another firm that hires individual telemarketers to promote sales by the registering firm.

For example, an insurance company may register on behalf of a local insurance agency whose employee’s telemarket that company’s insurance. But that registration does not cover the local agency’s employees when they telemarket another company’s insurance.

A person that scrubs No Call telephone numbers from a list of telephone numbers and distributes the scrubbed list to other persons who may use the list for telemarketing must register as a telephone solicitor with WDATCP and may only distribute scrubbed leads to a person who is also registered as a telephone solicitor with WDATCP.

If a telephone solicitor is using scrubbed leads, the telephone solicitor and the distributor of the scrubbed leads must both register with WDATCP as a telephone solicitor.

No person may make a telephone solicitation to a Wisconsin residential telephone customer unless the person is registered as a telephone solicitor with WDATCP.

There are exceptions for the following:

- Calls made to a current client. A current client is a person who has a current agreement to receive, from the caller or the person on whose behalf the call is made, property, goods or services of the same type promoted by the call.

However, businesses are allowed one telephone call to determine whether a former

client mistakenly allowed a contract to lapse. Businesses are also allowed to make telephone calls to determine a former client’s level of satisfaction, unless the call is part of a plan or scheme to encourage the former client to purchase property, goods or services.

- Calls made in response to a customer’s affirmative request for that call. A failure to respond to a negative option is not an affirmative request.
- Calls encouraging the customer to donate property, goods or services to a “nonprofit organization.”
- Calls encouraging the customer to purchase property, goods or services from a “nonprofit organization” unless sale proceeds are subject to Wisconsin sales tax or federal income tax.
- Calls made for noncommercial purposes such as polls, surveys and political purposes that are not part of a plan or scheme to encourage the customer to buy property, goods or services.
- Calls made to a number listed in the current local business telephone directory.
- A call made by an individual acting on his or her own behalf, and not as an employee or agent of any other person.

My company is located outside of Wisconsin. Do I have to comply with this law?

YES. If you are making an unsolicited telephone call to a Wisconsin residential telephone customer for the purpose of encouraging, or as a part of a plan or scheme to encourage, the purchase of property, goods or services, then you need to register with WDATCP as a telephone solicitor and you are to refrain from calling people who have placed their number on the Wisconsin No Call List. The same exceptions apply as listed in the previous section.

What are the penalties if I call someone on the Wisconsin No Call list?

Businesses who unlawfully call numbers on the Wisconsin No Call list will be in violation of Wisconsin’s No Call laws and will be subject to the maximum penalty of a \$100 fine for every violation.

Who enforces the Wisconsin No Call laws?

Under Wis. Stats., § 100.52, Telephone Solicitations, the Wisconsin Legislature directed WDATCP to create the telemarketing “No Call” list. The law also mandates department rules, Wis. Admin. Code § ATCP 127, subchapter V, relating to telephone solicitations and the No Call list.

WDATCP is the agency responsible for investigating violations of the Wisconsin No Call laws.

WDATCP will contact the offending businesses to make them aware of the No Call list. After a reasonable amount of time to comply, if we receive subsequent complaints about the same business, we may pursue court action and monetary penalties.

For more information, contact the Bureau of Consumer Protection at:

(800) 422-7128
(WI only)

2811 Agriculture Drive
PO Box 8911
Madison WI 53708-8911
(608) 224-4999

FAX: (608) 224-4939

TDD: (608) 224-5058

E-MAIL: DATCPWINoCall@Wisconsin.gov

WEBSITE: NoCall.Wisconsin.gov

Wisconsin No Call List

Frequently Asked Questions (FAQ’s) For Telemarketers



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