



State of Wisconsin
Governor Scott Walker

Department of Agriculture, Trade and Consumer Protection

Ben Brancel, Secretary

2016-17 Wisconsin Telephone Solicitor Registration

IMPORTANT INFORMATION

The Wisconsin Department of Agriculture, Trade and Consumer Protection (WDATCP) registers telephone solicitors who initiate a telephone conversation or text message to Wisconsin residents for the purpose of encouraging the recipient of the telephone call or text message to purchase property, goods or services. A telephone solicitor is a person or business, other than a nonprofit organization, that employs or contracts with an individual to make a telephone solicitation. The registration year begins December 1 and ends November 30. Enclosed is a registration form, a FAQ fact sheet and a return envelope for the registration.

Under Wis. Stat. § 100.52, Telephone Solicitations, the Wisconsin Legislature directs the WDATCP to register telemarketers who make telephone solicitations and requires that the telephone solicitor provide WDATCP with proof that they have obtained copies and updated versions of the Wisconsin Do Not Call Registry. The law also mandates that WDATCP adopt rules related to the telephone solicitor registration and the Wisconsin Do Not Call Registry.

The Wisconsin Do Not Call Registry consists of local exchange and mobile telephone numbers of Wisconsin residential telephone subscribers who have elected not to receive unsolicited telephone calls and text message solicitations. Telephone solicitors who unlawfully call or text numbers on the registry are in violation of state and federal laws and are subject to forfeitures. Calling or texting consumers on the registry or not registering as a telephone solicitor are separate violations. Wisconsin telephone solicitation laws are vigorously enforced.

Telephone solicitors registering with WDATCP are required to subscribe to the National Do Not Call Registry, maintained by the US Federal Trade Commission (FTC). The Wisconsin Do Not Call Registry is the portion of the National Do Not Call Registry that consists of telephone numbers with Wisconsin area codes. After you register with the National Do Not Call Registry, subscribe to the Wisconsin area codes, pay the appropriate fees and agree to the certification requirements, you will receive a Subscription Account Number (SAN) from the FTC. In order to register as a telephone solicitor with WDATCP, you must prove that you have a subscription to the National Do Not Call Registry by providing WDATCP with your organization name and ID, your SAN and the SAN expiration date.

You can register with the National Do Not Call Registry at <https://telemarketing.donotcall.gov>. The FTC provides FAQs and help desk information at the website.

You will be required to synchronize your lists with an updated version of the registry at least every 31 days.

Copies of Wisconsin laws relevant to telephone solicitations (Wis. Stat. § 100.52 and Wis. Adm. Code Ch. ATCP 127, subchapter V) are available on the Wisconsin State Legislature website: www.legis.state.wi.us. If you need further information, email DATCPWINoCall@Wisconsin.gov or call 1-800-422-7128 or 608-224-5175, or go to our website: https://datcp.wi.gov/Pages/Licenses_Permits/TelemarketerRegistration.aspx

(over)

Agriculture generates \$88 billion for Wisconsin

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About the telephone solicitor registration form

Please review the telephone solicitor registration form and complete steps 1-12. Sign and date the registration form and return it in the envelope provided. **An incomplete registration form may result in delays or denial of your registration.**

The telephone solicitor registration form requests personally identifiable information. Personal information you provide may be used for purposes other than that for which it was originally collected (Wis. Stat. §15.04(1) (m)). In the future, if there are any material changes relative to your registration information, you have 30 days to notify WDATCP in writing, or by email to [DATCPWINoCall.wisconsin.gov](mailto:DATCPWINoCall@wisconsin.gov).

In the “legal name” section (step 1), if you are a sole proprietorship, provide the individual’s full name. If you are a partnership, corporation, cooperative or other, provide the company’s full legal name and Federal Employer Identification Number (FEIN). Do not include trade names in this section. There is a separate section for listing trade names. Be sure to include the state in which the legal entity was formed. You may attach additional sheets if you need more space.

Your registration fee

Steps 7-10 of the registration form help you to calculate your annual registration fee. Follow the directions for each line item.

The Wisconsin Telephone Solicitor registration requires an annual registration fee. The annual registration fee is not prorated—the entire annual fee is due regardless of the date of registration. However, the fee may be paid in quarterly payments. The four quarterly installments are due on or before December 1, March 1, June 1 and September 1 of the registration year, or on the date of initial registration whichever is later.

If paying quarterly, please be aware that a 20% late fee of the total annual registration fee will apply to telephone solicitors whose quarterly registration payment(s) are not postmarked on or before the due date(s) – December 1, March 1, June 1 and September 1.

The telephone solicitor registration is not transferable and the annual registration fee is not prorated—the entire annual registration fee is due regardless of the date of registration.

Please return the registration form and a check (payable to “WDATCP”) to: **WDATCP, PO Box 93178, Milwaukee, WI 53293-0178.**

WDATCP’s receipt of the application form and/or deposit of the registration fee do not constitute an approved telephone solicitor registration. **An incomplete registration form may result in delays or denial of your registration.**

If you have any questions about this program, please call 1-800-422-7128 or 608-224-5175 or e-mail DATCPWINoCall@wisconsin.gov.

Clarification of WDATCP Policies Regarding Telephone Solicitors

Definition of a Telephone Line

Wis. Admin. Code § ATCP 127.80 (8) defines a **telephone line** 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.

Definition of a Telephone Solicitation

“Telephone solicitation” means the unsolicited initiation of a telephone conversation or text message for the purpose of encouraging the recipient of the telephone call or text message to purchase property, goods or services.

Wis. Stat. § 100.52 (1) (i)

Registration/Renewal

The telephone solicitor registration is not transferable. The total annual registration and registration renewal fees are not prorated. Annual registration/renewal fees may be paid on a quarterly basis—before December 1, March 1, June 1, and September 1.

Wis. Stat. § 100.52 (3) and Wis. Admin. Code § ATCP 127.81

Registration/Renewal Late Fees

The telephone solicitor registration/renewal form and payment must be postmarked on or before November 30 (the due date). 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 renewal fee and the telephone line fee), an additional fee equal to 20% of the total annual registration fee. If paying quarterly, late fees will be applied if a quarterly fee payment is not postmarked to DATCP on or before the due dates—December 1, March 1, June 1, and September 1. Wis. Stat. § 93.21 (5) (b)



Wisconsin Department of Agriculture, Trade and Consumer Protection (WDATCP)
 Division of Trade and Consumer Protection
 Telephone: (608) 224-5175 or (800) 422-7128
 Website: NoCall.Wisconsin.gov

Mail registration form to:
 WDATCP
 BOX 93178
 MILWAUKEE WI 53293-0178

FOR OFFICE USE ONLY	
NO CALL PROGRAM NO:	99-
DATE ISSUED:	
EXPIRES:	November 30, 2017

Telephone Solicitor Registration

(for year ending November 30, 2017)

Application is hereby made to obtain telephone solicitor registration pursuant to Wis. Stat. § 100.52 and Wis. Adm. Code Ch. ATCP 127, subch. V. Personal information you provide may be used for purposes other than that for which it was originally collected. (Wis. Stat. § 15.04(1)(m))

STEP 1: REGISTRANT INFORMATION - <u>Application should be made in the full legal name of the business.</u>			
LEGAL NAME OF ENTITY TO BE REGISTERED			FEDERAL TAX IDENTIFICATION (FEIN)
THIS LEGAL NAME IS: (PLEASE CIRCLE ONE): Individual General Partnership Limited Partnership Corporation Cooperative			STATE OF FORMATION
Limited Liability Company Limited Liability Partnership Trust Estate Other (Please Specify) _____			
STREET ADDRESS OF PRINCIPAL BUSINESS LOCATION FROM WHICH YOU WILL OPERATE			
CITY	STATE/PROVINCE	ZIP/POSTAL CODE	COUNTRY
MAILING ADDRESS			
CITY	STATE/PROVINCE	ZIP/POSTAL CODE	COUNTRY
PRINCIPAL BUSINESS TELEPHONE NUMBER	CONTACT NAME	CONTACT TITLE	
CONTACT EMAIL	CONTACT TELEPHONE NUMBER	CONTACT FAX NUMBER	

STEP 2: PERSON AUTHORIZED TO RESPOND ON YOUR BEHALF TO DEPARTMENT NOTICES OR INQUIRIES (IF DIFFERENT THAN ABOVE)			
NAME		STREET ADDRESS	
CITY	STATE/PROVINCE	ZIP/POSTAL CODE	COUNTRY
EMAIL	TELEPHONE NUMBER	FAX NUMBER	

STEP 3: YOUR COMPANY TRADE NAME(S)/ASSUMED NAMES AND ALL TRADE NAMES/ASSUMED NAMES AND LEGAL NAMES FOR WHOM YOU SOLICIT WHEN CONTACTING THE PUBLIC. IDENTIFY EACH NAME AS A SOLICITOR OR PRICIPAL NAME. (IF NECESSARY, ATTACH A SEPARATE SHEET IDENTIFIED AS ATTACHMENT 1.)

STEP 4: WISCONSIN REGISTERED AGENT (OR OTHER PERSON IN WISCONSIN WHO WILL ACCEPT SERVICE OF LEGAL PROCESS ON YOUR BEHALF)			
NAME		STREET ADDRESS	
CITY	STATE	ZIP CODE	TELEPHONE NUMBER

STEP 5: PROVIDE THE FOLLOWING INFORMATION REGARDING YOUR SUBSCRIPTION TO FEDERAL TRADE COMMISSION'S NATIONAL DO NO CALL REGISTRY (Reminder, you are required to synchronize your lists with an updated version of the registry at least every 31 days.)

ORGANIZATION NAME:

ORGANIZATION ID:

SAN:

SAN EXPIRATION:

STEP 6: INFORMATION ON YOUR TELEPHONE LINES AND INDIVIDUALS (The below information is REQUIRED in order to approve your registration.)

REQUIRED INFORMATION: PROVIDE THE TOTAL NUMBER OF TELEPHONE LINES (INCLUDE LINES USED TO SOLICIT THROUGH A TELEPHONE CONVERSATION OR A TEXT MESSAGE) USED BY YOU, YOUR EMPLOYEES, AND INDIVIDUALS ACTING AS CONTRACTORS UNDER THIS REGISTRATION.

TOTAL NUMBER OF TELEPHONE LINES: . FILL IN HERE AND IN LINE "STEP 8" LISTED BELOW ON THIS FORM.

REQUIRED INFORMATION: LIST THE TELEPHONE NUMBER(S) AND SMS SHORT CODE(S) ASSIGNED TO EACH LINE IDENTIFIED ABOVE. EXAMPLE: 999-888-7777, 011-888-777-6666 OR 97777. (IF NECESSARY, ATTACH A SEPARATE SHEET IDENTIFIED AS ATTACHMENT 2.)

REQUIRED INFORMATION: ENTER THE NUMBER OF INDIVIDUALS WHO WILL MAKE TELEPHONE SOLICITATIONS UNDER THIS REGISTRATION:
 ARE YOU REGISTERING ON BEHALF OF ANOTHER PERSON OR COMPANY WHO HIRES INDIVIDUALS TO PROMOTE YOUR PRODUCTS OR SERVICES BY TELEPHONE (WIS. ADMIN. CODE § ATCP 127 .81(1)(b)). IF SO, PROVIDE THAT PERSON OR COMPANY LEGAL NAME, ALL TRADE NAMES/ASSUMED NAMES, ADDRESS, AND TELEPHONE NUMBER. (IF NECESSARY, ATTACH A SEPARATE SHEET IDENTIFIED AS ATTACHMENT 3.)

STEP 7: ANNUAL FEE

ENTER REGISTRATION FEE. (FEE IS \$700.).

\$ **700.00**

STEP 8: TELEPHONE LINE FEE

ENTER THE TOTAL NUMBER OF TELEPHONE LINES (INCLUDE LINES USED TO SOLICIT THROUGH A TELEPHONE CONVERSATION OR A TEXT MESSAGE) USED BY YOU, YOUR EMPLOYEES, AND INDIVIDUALS ACTING AS CONTRACTORS UNDER THIS REGISTRATION.

TOTAL NUMBER OF TELEPHONE LINES:

IF THE TOTAL NUMBER OF TELEPHONE LINES LISTED ABOVE IS 3 OR LESS, ENTER "0" IN THE \$ FIELD TO THE RIGHT.
 IF THE TOTAL NUMBER OF TELEPHONE LINES IS 4 OR MORE, MULTIPLY THE TOTAL NUMBER OF LINES BY \$75

TOTAL # OF LINES: X \$75 = \$

\$

STEP 9: TOTAL (ADD SUBTOTALS LISTED ABOVE IN STEPS 7 AND 8.)

\$

STEP 10: ANNUAL REGISTRATION FEE (ENTER THE AMOUNT LISTED ABOVE IN STEP 9 OR \$20,000, WHICHEVER IS LESS.)

\$

STEP 11: QUARTERLY REGISTRATION FEE PAYMENT DUE

(YOUR "ANNUAL REGISTRATION FEE" LISTED ABOVE IN STEP 10 MAY BE PAID IN QUARTERLY INSTALLMENTS. QUARTERLY PAYMENTS ARE DUE BEFORE DECEMBER 1, MARCH 1, JUNE 1 AND SEPTEMBER 1. IF YOU ARE REGISTERING MID-YEAR, PAYMENTS ARE DUE FOR PRECEDING QUARTERS. **THE ANNUAL REGISTRATION FEE IS NOT PRORATED.**) IF YOU PAY A QUARTERLY INSTALLMENT AFTER THE DUE DATE, A LATE FEE OF 20% OF THE TOTAL ANNUAL REGISTRATION MUST BE PAID.

\$

STEP 12: ENCLOSED REGISTRATION FEE PAYMENT AMOUNT (MAKE CHECK PAYABLE TO: WDATCP)

\$

THE UNDERSIGNED, AUTHORIZED TO ACT ON BEHALF OF THE APPLICANT, HEREBY CERTIFIES THAT THIS IS A TRUE, COMPLETE AND ACCURATE APPLICATION FOR REGISTRATION PURSUANT TO WIS. STAT. § 100.52 AND WIS. ADMIN. CODE CH. ATCP 127, SUBCH. V AND ALSO AFFIRMS THAT I/WE WILL NOTIFY WDATCP WITHIN THIRTY (30) DAYS OF ANY MATERIAL CHANGE RELATIVE TO THIS APPLICATION OR THE INFORMATION CONTAINED THEREIN.

SIGNATURE OF APPLICANT (Sign and Print Name)

POSITION/TITLE

DATE

How do telemarketers register as a telephone solicitor in Wisconsin?

The Wisconsin Department of Agriculture, Trade and Consumer Protection (WDATCP) registers telephone solicitors making a telephone solicitation to a residential customer in Wisconsin (Wis. Stat. § 100.52 and Wis. Adm. Code ch. ATCP 127, subch. V).

A “telephone solicitation” means the unsolicited initiation of a telephone conversation or text message for the purpose of encouraging the recipient of the telephone call or text message to purchase property, goods or services.

A “telephone solicitor” means a person, other than a nonprofit organization or an employee or contractor of a nonprofit organization, that employs or contracts with an individual to make a telephone solicitation.

A nonprofit organization must not be organized to conduct business for its own profit or the profit of its members. Please note that an organization that has been incorporated as a nonprofit or recognized by the IRS as tax-exempt is not necessarily exempt if the organization is, in fact, operated for the profit of its members, officer, or affiliated for-profit companies.

Telemarketers may contact WDATCP to obtain a telephone solicitor registration packet by calling (608) 224-4999 or on our website at NoCall.Wisconsin.gov.

The registration packet includes a registration application form, a registration information sheet, a Frequently Asked Questions fact sheet and a registration return envelope.

How much does the telephone solicitor registration 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 subsequent year.
- 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 through a telephone conversation or text message. This fee does not apply if the registrant identifies fewer than four (4) telephone lines.

A telephone line means 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 send a telephone call or text message.

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.

Quarterly installments. A registrant may pay the annual fees under a telephone solicitor 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.

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 e.g., the number of lines used to send telephone calls or text messages increases.

The total annual registration and registration renewal fees are not prorated – the entire annual fee is due regardless of the date of registration.

When do telemarketers renew their telephone solicitor registration?

A telephone solicitor registration expires on November 30 of each year. 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 and the telephone line fee), an additional fee equal to 20% of the total annual registration fee (Wis. Stat. § 93.21 (5) (b)).

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 person must register annually with WDATCP if they employ or contract with any individual to make telephone solicitations to Wisconsin residential telephone customers.

A “person” means an individual, corporation, partnership, cooperative, limited liability company, trust or other legal entity.

A person that sells property, goods or services may register on behalf of another person who employs or contracts individuals to make solicitations promoting the purchase of property, goods or services from the registrant.

It does not cover telephone solicitations promoting the purchase of property, goods, or services from persons other than the registrant.

For example, an insurance company may register on behalf of a self-employed insurance agency with employees that do telemarketing for that company’s insurance. But that registration does not cover the local agency’s employees when they telemarket another company’s insurance.

No individual may make a telephone solicitation to a Wisconsin residential customer unless the telephone solicitation is covered by a telephone solicitor registration.

There are exceptions. Telephone solicitation does not include any of the following:

- Call or text 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.

- Call or text 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.
- Call or text encouraging the customer to donate property, goods or services to a “nonprofit organization.”
- Call or text 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.
- Call or text 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.
- Call or text made to a number listed in the current local business telephone directory.
- Call or text made by a collection agency.
- Call or text 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 or text 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 Do Not Call Registry. The same exceptions apply as listed in the previous section.

What are the requirements of a telephone solicitor registered to call into Wisconsin?

A telephone solicitor or an employee or contractor of a telephone solicitor may not do any of the following:

- Employ or contract with any individual to make telephone solicitations to covered telephone customers unless they are registered as a telephone solicitor with WDATCP.
- Make a telephone solicitation to a telephone number that, at the time the solicitation is made, is listed on the Wisconsin Do Not Call Registry.
- Fail to provide WDATCP with proof that the telephone solicitor has complied with federal law in obtaining copies and updated versions of the Wisconsin Do Not Call Registry.
- Use an electronically prerecorded message in telephone solicitation without the consent of the recipient of the telephone call.
- Make a telephone solicitation to a nonresidential customer if the nonresidential customer has provided notice by mail to the telephone solicitor that the nonresidential customer does not wish to receive telephone solicitations.
- Fail to provide a nonresidential customer with the mailing address for notifying the telephone solicitor that the nonresidential customer does not wish to receive solicitations.
- Require an employee or contractor to make a telephone solicitation to a person in Wisconsin unless the telephone solicitor is registered with WDATCP.
- Use or possess a copy or updated version of the Wisconsin Do Not Call Registry that the telephone solicitor has obtained in violation of federal law.
- Use caller-ID blocking when making a telephone solicitation.
- Falsify any information required under Wisconsin laws.
- Require an employee or contractor to make a telephone solicitation that violates the above requirements.

How do I get the Wisconsin Do Not Call Registry?

Telephone solicitors are required to subscribe to the National Do Not Call Registry, maintained by the US Federal Trade Commission (FTC). The Wisconsin Do Not Call Registry is the portion of the National Do Not Call Registry that consists of telephone numbers with Wisconsin area codes.

As a telephone solicitor registered in Wisconsin you must prove that you have a subscription to the National Do Not Call Registry by providing WDATCP with your Subscription Account Number (SAN). After you register with the National Do Not Call Registry, you receive a SAN when you have subscribed to the Wisconsin area codes, paid the appropriate fees, and agreed to the certification requirements.

You can register with the National Do Not Call Registry at <https://telemarketing.donotcall.gov>. The FTC provides FAQs and help desk information on that website.

You will be required to synchronize your lists with an updated version of the registry at least every 31 days.

What are the penalties if I call someone on the Wisconsin Do Not Call Registry?

Businesses who unlawfully call numbers on the Wisconsin Do Not Call Registry will be in violation of Wisconsin's Do Not Call laws and will be subject to the maximum penalty of \$100 forfeiture for every violation.

Can I make copies of the Do Not Call Registry and distribute them?

NO. The Do Not Call Registry enables you to purge numbers on the registry from your telemarketing database or the databases of your clients.

IMPORTANT: Reproduction of the registry in any form for resale in whole or in part to any other party for any reason is expressly forbidden. People caught distributing the registry will be prosecuted to the fullest extent of the law.

Who enforces the Wisconsin No Call laws?

Under Wis. Stat., § 100.52, Telephone Solicitations, the Wisconsin Legislature directed WDATCP to enforce and investigate violations of telephone solicitation laws. The law also mandates department rules, Wis. Admin. Code ch. ATCP 127, subchapter V, relating to telephone solicitations and the Wisconsin Do Not Call Registry.

WDATCP will contact the offending businesses to make them aware of the Do Not Call Registry. 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 WDATCP at:

(800) 422-7128

WDATCP Do Not Call Program
2811 Agriculture Drive
PO Box 8911
Madison WI 53708-8911

(608) 224-4999

FAX: (608) 224-4677

TDD: (608) 224-5058

E-MAIL: DATCPWNoCall@wi.gov

WEBSITE: NoCall.Wisconsin.gov

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Wisconsin Do Not Call Registry

Frequently Asked Questions (FAQ's) For Telemarketers



(608) 224-4999

(800) 422-7128

NoCall.Wisconsin.gov



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DEPARTMENT OF
AGRICULTURE,
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CONSUMER
PROTECTION
