

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: DATCPWInoCall@wi.gov

WEBSITE: NoCall.Wisconsin.gov

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Wisconsin Do Not Call Registry

Frequently Asked Questions (FAQ's) For Telemarketers



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