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# Wisconsin Legislative Council

## ACT MEMO

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### 2023 Wisconsin Act 243 [2023 Senate Bill 531]

### Caller Identification Records Requirements

2023 Wisconsin Act 243 creates requirements, administered by the Department of Agriculture, Trade and Consumer Protection (DATCP), relating to caller identification (ID) records. This includes two new requirements relating to the use of caller ID records by a telephone solicitor. Additionally, Act 243 creates a prohibition against caller ID spoofing, as described below.

Act 243 defines a caller ID record as “a record that is delivered electronically to the recipient of a telephone call or text message simultaneously with the reception of the telephone call or text message and that indicates the telephone number from which the telephone call or text message was initiated or similar information regarding the telephone call or text message.”

## TELEPHONE SOLICITATIONS

State law generally provides that any telephone solicitor operating in the state must register with DATCP. A telephone solicitor means “any 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 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.”

In addition to registration, state law imposes other requirements on telephone solicitors. For example, the statutes prohibit a telephone solicitor, or employee or contractor of a telephone solicitor, from making a telephone solicitation to a number on the do-not-call list. DATCP must investigate violations of this and other requirements applicable to telephone solicitors. Where appropriate, the department may bring an enforcement action, which may include a forfeiture not to exceed \$100 for each violation.

Act 243 creates two new requirements relating to the use of caller ID records by a telephone solicitor, or employee or contractor of a telephone solicitor. First, Act 243 prohibits them from blocking the transmission of a caller ID record when making a telephone solicitation. Second, Act 243 generally prohibits a telephone solicitor, or an employee or contractor of a telephone solicitor, from knowingly transmitting a misleading or inaccurate caller ID record, except they may transmit the seller’s name and customer service telephone number if an individual may call that number to make a do-not-call request during regular business hours.

Act 243 provides that in an enforcement action for either of the newly created requirements relating to the use of caller ID records by a telephone solicitor, DATCP may impose a forfeiture of not less than \$100, and not more than \$10,000, for each violation.

## CALLER ID SPOOFING

Act 243 also prohibits what is known as caller ID spoofing. It provides that, unless an exception applies, no person may “knowingly transmit misleading or inaccurate caller identification information through

a telephone call or text message with the intent to defraud or wrongfully obtain anything of value.” The act clarifies that an attempt to obtain “personally identifiable information” is considered something of value for purposes of the prohibition.

The prohibition against caller ID spoofing does not apply to a caller ID record transmitted in connection with an authorized law enforcement activity, or pursuant to a court order, as specified in the act. Also, it does not apply to a provider of telecommunication service, Internet access service, or voice over Internet protocol service that is doing any of the following activities:

- Acting as an intermediary for the transmission of service between the caller and the recipient.
- Providing or configuring a service or feature as requested by the customer.
- Acting in any other manner that is authorized or required by law.

Act 243 provides that DATCP must investigate violations of the prohibition against caller ID spoofing and, where appropriate, the department may bring an enforcement action, which may include a forfeiture of not less than \$100, and not more than \$10,000, for each violation. The act specifically authorizes DATCP to promulgate administrative rules to administer and enforce the prohibition.

**Effective date:** April 1, 2025

For a full history of the bill, visit the Legislature’s [bill history page](#).

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