



State of Wisconsin  
Governor Scott Walker

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**Department of Agriculture, Trade and Consumer Protection**  
Ben Brancel, Secretary

**DATE:** April 10, 2013

**TO:** Bruce Hoesly, Legislative Reference Bureau  
1 East Main Street, Suite 200

**FROM:** Ben Brancel, Secretary

**SUBJECT:** **Ch. ATCP 127 – Telephone Solicitations; No-Call and No-Text List; Final Rule (Clearinghouse Rule #12-036)**

The Department of Agriculture, Trade and Consumer Protection (DATCP) hereby submits the following rule for publication:

**CLEARINGHOUSE RULE #:** 12-036

**SUBJECT:** Telephone solicitations; no-call and no-text list.

**ADM. CODE REFERENCE:** ATCP 127

**DATCP DOCKET #:** 12-R-04

We are enclosing a copy of the final rule, as adopted by DATCP. We are also providing the following information for publication with the rule, as required by s. 227.114(6), Stats.

**Business Impact Analysis (Summary)**

This rule will have minimal impact on business. This rule might affect the following businesses in the following ways (many of which are “small businesses”):

- ***Direct marketers that conduct both telephone solicitation and text message solicitation.*** Wisconsin’s no-call program was established in 2001. Therefore, businesses in this category are already regulated under current law, and will only experience minimal additional regulatory obligations or expenses. Currently, there are approximately 460 telephone solicitors registered for the Wisconsin no-call program.
- ***Direct marketers that conduct text message solicitation but are not currently registered telephone solicitors.*** Under this rule (as well as s. 100.52, stats., as amended by 2011 Wisconsin Act 197), businesses that send text message solicitations must register with the Wisconsin no-call program and refrain from sending text messages to numbers on the no-call list. The base annual registration fee is \$700 for the first year, and \$500 for subsequent years.

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This new law and proposed rule may result in some saving for some consumers on their monthly wireless service bills. On some plans, the provider charges the customer for each text message received. The new no-text provision protects consumer from these charges.

**Comments from Legislative Committees (Summary)**

On January 8, 2013, DATCP transmitted the above rule for legislative committee review. The rule was assigned to the Assembly Committee on Consumer Protection and the Senate Committee on Energy, Consumer Protection, and Government Reform. Neither committee took action. The Senate referred the rule to the Joint Committee for Review of Administrative Rules (JCRAR) on February 14, 2013 and the Assembly referred it to JCRAR on February 26, 2013. JCRAR took no action on the rule.