

# HOUSE BILL No. 1109

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 24-5-12.

**Synopsis:** Registration of telemarketers. Amends the law requiring telemarketers to register with the office of the attorney general (registration law) as follows: (1) Provides that a seller is not subject to the registration law solely because the seller makes or will make a solicitation in a telephone call that is exempt from the Do Not Call statute. (2) Restores conditions removed by P.L.242-2019 that limit application of the registration law to sellers that make certain types of solicitations. (3) Provides that a solicitation occurs for purposes of the registration law only in a telephone call made by a seller.

**Effective:** January 1, 2020 (retroactive).

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## Lehman

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January 8, 2020, read first time and referred to Committee on Utilities, Energy and Telecommunications.

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Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

# HOUSE BILL No. 1109

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 24-5-12-0.2 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
3 JANUARY 1, 2020 (RETROACTIVE)]: **Sec. 0.2. This chapter does**  
4 **not apply to a seller solely because the seller makes or will make,**  
5 **during any calendar year, a solicitation in a telephone call that is**  
6 **exempt from the application of IC 24-4.7 under IC 24-4.7-1-1.**

7 SECTION 2. IC 24-5-12-8, AS AMENDED BY P.L.242-2019,  
8 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JANUARY 1, 2020 (RETROACTIVE)]: Sec. 8. As used in this  
10 chapter, "seller" means a person who, personally, through salespersons,  
11 or through the use of an automated dialing and answering device,  
12 makes a solicitation **if in the solicitation any one (1) of the following**  
13 **occurs:**

- 14 (1) **There is a false representation or implication that a**  
15 **prospect will receive a gift, prize, or the value of a gift or**  
16 **prize.**
- 17 (2) **There is an offer of a vacation at a reduced price if the**



1 vacation involves the prospect attending a presentation in  
 2 which the prospect is solicited to purchase a time share or  
 3 camping club membership and if the seller does not own the  
 4 time share or camping club, does not represent the owner of  
 5 the time share or camping club, or misrepresents the value of  
 6 the vacation. Terms in this subdivision have the meaning set  
 7 forth in IC 32-32.

8 (3) There is a representation or implication that a prospect  
 9 who buys office equipment or supplies will, because of some  
 10 unusual event or imminent price increase, be able to buy these  
 11 items at prices that are below those that are usually charged  
 12 or will be charged for the items if the price advantage for the  
 13 prospect does not exist.

14 (4) There is a false representation or implication as to the  
 15 identity of the person making the solicitation.

16 (5) There is a representation or implication that the items for  
 17 sale are manufactured or supplied by a person other than the  
 18 actual manufacturer or supplier.

19 (6) There is an offer to sell the prospect precious metals,  
 20 precious stones, coal, or other minerals, or any interest in oil,  
 21 gas, or mineral fields, wells, or exploration sites, if the seller  
 22 does not own the items, does not represent the owner, or  
 23 misrepresents the value of the items.

24 SECTION 3. IC 24-5-12-9 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JANUARY 1, 2020 (RETROACTIVE)]:  
 26 Sec. 9. As used in this chapter, "solicitation" means a telephone  
 27 conversation or attempted telephone conversation **that occurs in a**  
 28 **telephone call made by a seller to another person** in which the seller  
 29 offers, or attempts to offer, an item to ~~another~~ **the other** person in  
 30 exchange for money or other consideration.

31 SECTION 4. IC 24-5-12-10, AS AMENDED BY P.L.242-2019,  
 32 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JANUARY 1, 2020 (RETROACTIVE)]: Sec. 10. (a) **Except as**  
 34 **provided in section 0.2 of this chapter**, before doing business in  
 35 Indiana, a seller must register with the division.

36 (b) A ~~person seller~~ does business in Indiana if the ~~person solicits:~~  
 37 **seller makes or will make a solicitation during any calendar year:**

38 (1) from a location in Indiana; or

39 (2) to a prospect who is located in Indiana.

40 SECTION 5. **An emergency is declared for this act.**

