

SENATE BILL No. 319

DIGEST OF INTRODUCED BILL

Citations Affected: IC 24-5-14.

Synopsis: Use of automatic dialing-announcing devices. Allows a caller who: (1) is legitimately engaged in the gathering of information; (2) contacts a subscriber only for the purpose of conducting a survey to gather information; (3) is registered with the attorney general on forms prescribed by the office of the attorney general; and (4) complies with certain requirements; to use or connect to a telephone line an automatic dialing-announcing device.

Effective: July 1, 2014.

Alting

January 14, 2014, read first time and referred to Committee on Commerce, Economic Development & Technology.



Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE BILL No. 319

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 24-5-14-5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) This section does
3 not apply to messages:
4 (1) from school districts to students, parents, or employees;
5 (2) to subscribers with whom the caller has a current business or
6 personal relationship; or
7 (3) advising employees of work schedules.
8 (b) A caller may not use or connect to a telephone line an automatic
9 dialing-announcing device unless:
10 (1) the subscriber has knowingly or voluntarily requested,
11 consented to, permitted, or authorized receipt of the message; ~~or~~
12 (2) the message is immediately preceded by a live operator who
13 obtains the subscriber's consent before the message is delivered;
14 **or**
15 **(3) the caller:**
16 **(A) is legitimately engaged in the gathering of information;**



- 1 **(B) contacts a subscriber only for the purpose of**
 2 **conducting a survey to gather information;**
 3 **(C) is registered with the attorney general on forms**
 4 **prescribed by the office of the attorney general; and**
 5 **(D) complies with the requirements established in section**
 6 **7.5 of this chapter.**
- 7 SECTION 2. IC 24-5-14-7.5 IS ADDED TO THE INDIANA CODE
 8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 9 1, 2014]: **Sec. 7.5. If a caller uses or connects to a telephone line an**
 10 **automatic dialing-announcing device for the purpose of**
 11 **legitimately engaging in the gathering of information under section**
 12 **5(b)(3) of this chapter, all the following apply:**
- 13 **(1) The caller may not block the caller's identification and**
 14 **number from any subscriber that the caller contacts using an**
 15 **automatic dialing-announcing device.**
- 16 **(2) Before the survey begins, the subscriber must have an**
 17 **opportunity to consent or decline to participating in the**
 18 **survey.**
- 19 **(3) At the outset of the call, all the following information must**
 20 **be disclosed to the subscriber:**
- 21 **(A) The name of the individual, business, firm,**
 22 **organization, association, partnership, or other entity for**
 23 **which the survey is being conducted.**
- 24 **(B) The topic of the survey.**
- 25 **(4) The caller may contact the subscriber at the selected**
 26 **telephone number not more than one (1) time for purposes of**
 27 **conducting the survey.**
- 28 **(5) After one (1) telephone call as described in subdivision (4),**
 29 **the caller may not contact the subscriber again concerning the**
 30 **survey for any reason.**
- 31 **(6) The caller may not use an automatic dialing-announcing**
 32 **device so that a subscriber receives a telephone call after 8**
 33 **p.m. local time.**

