

SENATE BILL No. 349

DIGEST OF INTRODUCED BILL

Citations Affected: IC 24-4.7.

Synopsis: Telephone solicitations. Amends the statute governing telephone solicitations of consumers (Indiana's "do not call" statute) to provide that certain prohibitions that apply to telephone solicitors also apply to: (1) suppliers in consumer transactions; and (2) sellers engaging in telephone solicitations. Adds a new prohibition to provide that a telephone solicitor, a supplier, or a seller may not sell, transfer, or make available to another person for solicitation purposes a consumer's telephone number if: (1) the telephone number appears in the most current "do not call" listing; or (2) the consumer: (A) has previously requested not to receive telephone sales calls from a solicitor, a supplier, or a seller; and (B) has not rescinded that request. Adds a provision to prohibit the following: (1) A telephone solicitor, a supplier, or a seller from transferring a live call to one or more other persons if the call has been placed to a consumer in violation of the "do not call" statute or the statute governing telephone solicitations. (2) A telephone solicitor, a supplier, or a seller from providing substantial assistance or support to another person if the telephone solicitor, supplier, or seller knows or consciously avoids knowing that the person has violated the "do not call" statute or the statute governing telephone solicitations. Makes conforming amendments to the "do not call" statute's civil remedies provisions.

Effective: July 1, 2014.

Merritt

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. 349

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 24-4.7-1-7.6 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2014]: **Sec. 7.6. "Seller" has the meaning set**
4 **forth in IC 24-5-12-8.**

5 SECTION 2. IC 24-4.7-1-7.7 IS ADDED TO THE INDIANA
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2014]: **Sec. 7.7. "Supplier" has the meaning**
8 **set forth in IC 24-5-0.5-2(a)(3).**

9 SECTION 3. IC 24-4.7-4-3 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) This section does
11 not apply to a person obtaining consumer information for inclusion in
12 directory assistance and telephone directories sold by telephone
13 companies.

14 (b) A telephone solicitor, **a supplier, a seller, or any other** person
15 who obtains consumer information that includes telephone numbers
16 shall exclude the telephone numbers that appear on the division's most



1 current listing.

2 SECTION 4. IC 24-4.7-4-6 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. A telephone
4 solicitor, **a supplier, or a seller** must also comply with all other
5 applicable laws, including the following, if applicable:

6 (1) IC 24-5-12.

7 (2) IC 24-5-14.

8 **(3) IC 24-5-14.5.**

9 SECTION 5. IC 24-4.7-4-7 IS ADDED TO THE INDIANA CODE
10 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
11 1, 2014]: Sec. 7. **(a) A telephone solicitor, a supplier, or a seller may
12 not sell, transfer, or make available to another person for
13 solicitation purposes a consumer's telephone number if:**

14 **(1) the telephone number appears in the most current
15 quarterly listing published by the division; or**

16 **(2) the consumer:**

17 **(A) has previously communicated to the solicitor, supplier,
18 or seller a request to not receive telephone sales calls by or
19 on behalf of the solicitor, supplier, or seller; and**

20 **(B) has not rescinded the request described in clause (A).**

21 **(b) A telephone solicitor, a supplier, or a seller may not transfer
22 a live call to one (1) or more other persons if the call has been
23 placed to a consumer in violation of this article or IC 24-5-12.**

24 **(c) A telephone solicitor, a supplier, or a seller may not provide
25 substantial assistance or support to another person if the telephone
26 solicitor, supplier, or seller knows or consciously avoids knowing
27 that the person has engaged in any act or practice that violates this
28 article or IC 24-5-12.**

29 SECTION 6. IC 24-4.7-5-1, AS AMENDED BY P.L.222-2005,
30 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2014]: Sec. 1. A telephone solicitor, **a supplier, or a seller**
32 who fails to comply with any provision of IC 24-4.7-4 commits a
33 deceptive act that is actionable by the attorney general under this
34 chapter. In addition, a contractor who contracts or seeks to contract
35 with the state:

36 (1) may be prohibited from contracting with the state; or

37 (2) may have an existing contract with the state voided;

38 if the contractor, an affiliate or principal of the contractor, or any agent
39 acting on behalf of the contractor or an affiliate or principal of the
40 contractor does not or has not complied with the terms of this article,
41 even if this article is preempted by federal law.

