



Reprinted  
February 27, 2014

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## ENGROSSED SENATE BILL No. 349

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DIGEST OF SB 349 (Updated February 26, 2014 4:36 pm - DI 101)

**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) callers in commercial telephone solicitations. Adds a new prohibition to provide that a telephone solicitor, a supplier, or a caller may not sell, transfer, or make available to another person for solicitation purposes a consumer's telephone number if the telephone number appears in the most current "do not call" listing. Provides that this prohibition does not apply to the sale, transfer, or provision of a consumer's telephone number to a person who is exempt from the "do not call" statute. Adds a provision to prohibit the following: (1) A telephone solicitor, a supplier, or a caller from transferring a live call to one or more other  
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**Effective:** July 1, 2014.

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**Merritt, Eckerty, Miller Patricia,**  
**Head**

(HOUSE SPONSORS — HUSTON, SMITH V)

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

January 24, 2014, amended, reported favorably — Do Pass.

January 28, 2014, read second time, ordered engrossed.

January 29, 2014, engrossed.

January 30, 2014, read third time, passed. Yeas 46, nays 0.

HOUSE ACTION

February 10, 2014, read first time and referred to Committee on Judiciary.

February 24, 2014, reported — Do Pass.

February 26, 2014, read second time, amended, ordered engrossed.

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Digest Continued

persons if the call has been placed to a consumer in violation of the "do not call" statute or the statute governing the regulation of automatic dialing machines. (2) A telephone solicitor, a supplier, or a caller from providing substantial assistance or support to another person if the telephone solicitor, supplier, or caller knows or consciously avoids knowing that the person has violated the "do not call" statute or the statute governing the regulation of automatic dialing machines. Makes conforming amendments to the "do not call" statute's civil remedies provisions.



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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.

## ENGROSSED SENATE BILL No. 349

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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 24-4.7-2-1.7 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2014]: **Sec. 1.7. "Caller" has the meaning set**  
4 **forth in IC 24-5-14-2.**

5 SECTION 2. IC 24-4.7-2-7.7 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 caller, 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

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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 caller** 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) This section does not apply to the sale, transfer,  
12 or provision of a consumer's telephone number to a person that is  
13 exempt from this article under IC 24-4.7-1-1.**

14 **(b) A telephone solicitor, a supplier, or a caller may not sell,  
15 transfer, or make available to another person for solicitation  
16 purposes a consumer's telephone number if the telephone number  
17 appears in the most current quarterly listing published by the  
18 division.**

19 **(c) A telephone solicitor, a supplier, or a caller may not transfer  
20 a live call to one (1) or more other persons if the call has been  
21 placed to a consumer in violation of this article or IC 24-5-14.**

22 **(d) A telephone solicitor, a supplier, or a caller may not provide  
23 substantial assistance or support to another person if the telephone  
24 solicitor, supplier, or caller knows or consciously avoids knowing  
25 that the person has engaged in any act or practice that violates this  
26 article or IC 24-5-14.**

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

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

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

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



## COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Economic Development and Technology, to which was referred Senate Bill No. 349, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 3, delete ""Seller"" and insert ""**Caller**"".

Page 1, line 4, delete "IC 24-5-12-8." and insert "**IC 24-5-14-2.**".

Page 1, line 14, delete "seller," and insert "**caller,**".

Page 2, line 4, delete "seller" and insert "**caller**".

Page 2, line 11, delete "seller" and insert "**caller**".

Page 2, line 13, delete "if:" and insert "**if the telephone number appears in the most current quarterly listing published by the division.**".

Page 2, delete lines 14 through 20.

Page 2, line 21, delete "seller" and insert "**caller**".

Page 2, line 23, delete "IC 24-5-12." and insert "**IC 24-5-14.**".

Page 2, line 24, delete "seller" and insert "**caller**".

Page 2, line 26, delete "seller" and insert "**caller**".

Page 2, line 28, delete "IC 24-5-12." and insert "**IC 24-5-14.**".

Page 2, line 31, delete "seller" and insert "**caller**".

and when so amended that said bill do pass.

(Reference is to SB 349 as introduced.)

BUCK, Chairperson

Committee Vote: Yeas 6, Nays 0.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 349, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 349 as printed January 24, 2014.)

Committee Vote: Yeas 8, Nays 0

Representative Steuerwald

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 349 be amended to read as follows:

Page 1, line 1, delete "IC 24-4.7-1-7.6" and insert "IC 24-4.7-2-1.7".

Page 1, line 3, delete "7.6" and insert "**1.7**".

Page 1, line 5, delete "IC 24-4.7-1-7.7" and insert "IC 24-4.7-2-7.7".

Page 2, line 11, after "(a)" insert "**This section does not apply to the sale, transfer, or provision of a consumer's telephone number to a person that is exempt from this article under IC 24-4.7-1-1.(b)**".

Page 2, line 16, delete "(b)" and insert "**(c)**".

Page 2, line 19, delete "(c)" and insert "**(d)**".

(Reference is to ESB 349 as printed February 24, 2014.)

HUSTON

