

SENATE BILL No. 208

DIGEST OF INTRODUCED BILL

Citations Affected: IC 24-5-12-25.

Synopsis: Phone solicitation. Requires a seller making a telephone solicitation to inform a prospect of the seller's intent to make a solicitation at the beginning of the conversation, and requires the seller to terminate the conversation if the prospect informs the seller that the prospect does not wish to listen to the solicitation. Makes it a Class C misdemeanor for a seller to fail to: (1) disclose the intent to solicit; or (2) terminate a telephone conversation when requested.

Effective: July 1, 1998.

Miller

January 6, 1998, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.



Introduced

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

SENATE BILL No. 208

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulations and consumer sales and credit.

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

- 1 SECTION 1. IC 24-5-12-25 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1998]: **Sec. 25. (a) Notwithstanding section 8 of this chapter, as
4 used in this section, "seller" means a person who, personally,
5 through salespersons, or through the use of an automated dialing
6 and answering device, makes a solicitation to a prospect that is
7 outside of the course of dealing, as described by IC 26-1-1-205,
8 between the seller and the prospect.**
9 **(b) If a seller initiates a telephone conversation for the purpose
10 of making a solicitation to a prospect, the seller must:**
11 **(1) inform the prospect that the seller intends to make a
12 solicitation;**
13 **(2) ask the prospect whether the prospect wishes to listen to
14 the solicitation immediately after the seller informs the
15 prospect that the seller intends to make a solicitation; and**
16 **(3) terminate the telephone conversation if the prospect
17 informs the seller that the prospect does not wish to listen to**



1 **the solicitation.**
2 **(c) A seller who knowingly violates subsection (b) commits a**
3 **Class C misdemeanor.**

