

HOUSE BILL No. 1086

DIGEST OF INTRODUCED BILL

Citations Affected: IC 24-5-14.

Synopsis: Telephone directories; automatic dialing-announcing devices. Prohibits a telephone company or telephone directory publisher from selling or licensing lists of residential subscribers that include telephone numbers of a subscriber assigned an unlisted or unpublished telephone number. Prohibits a caller from using an automatic dialing-announcing device to make a telephone call to an unlisted or unpublished telephone number. Provides an exclusion for law enforcement, fire protection, public health, public environmental health, emergency service planning, or private for-profit agencies if the list is issued for (or the automatic dialing-announcing device makes the call for) communicating public safety information, information concerning police or fire emergencies, or warnings of an imminent threat to life or property.

Effective: July 1, 1998.

Kuzman

January 6, 1998, read first time and referred to Committee on Commerce and Economic Development.



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.

HOUSE BILL No. 1086

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 24-5-14-4.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1998]: **Sec. 4.5. As used in this chapter, "telephone directory"**
4 **refers to a telephone directory that is distributed by a telephone**
5 **company or telephone directory publisher to subscribers located**
6 **in the local exchanges contained in the directory. The term includes**
7 **a directory that includes listings of more than one (1) telephone**
8 **company.**

9 SECTION 2. IC 24-5-14-4.7 IS ADDED TO THE INDIANA CODE
10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
11 1, 1998]: **Sec. 4.7. For purposes of this chapter, a subscriber's**
12 **telephone number is considered "unpublished or unlisted" if the**
13 **subscriber has requested that the telephone company keep the**
14 **number confidential.**

15 SECTION 3. IC 24-5-14-5 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 1998]: **Sec. 5. (a) This section does**
17 **not apply to messages:**

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1 (1) from school districts to students, parents, or employees;
 2 (2) to subscribers with whom the caller has a current business or
 3 personal relationship; ~~or~~
 4 (3) advising employees of work schedules; **or**
 5 **(4) providing public service information relating to public**
 6 **safety, information concerning police or fire emergencies, or**
 7 **warnings of impending or threatened emergencies if the**
 8 **message is from:**

9 (A) a fire protection agency;

10 (B) a public health agency;

11 (C) a public environmental health agency;

12 (D) a city or county emergency services planning agency;

13 **or**

14 (E) a private for-profit agency operating under contract
 15 with and at the direction of an agency listed in clauses (A)
 16 through (D).

17 **Any information or records provided to a private for-profit agency**
 18 **described in this section shall be held in confidence by that agency**
 19 **and by any individual employed by or associated with that agency.**
 20 **In addition, the information or records may not be open to**
 21 **examination for any purpose not directly connected with the**
 22 **administration of the services specified in this subsection.**

23 (b) A caller may not use or connect to a telephone line an automatic
 24 dialing-announcing device unless:

25 (1) the subscriber has knowingly or voluntarily requested,
 26 consented to, permitted, or authorized receipt of the message; or

27 (2) the message is immediately preceded by a live operator who
 28 obtains the subscriber's consent before the message is delivered.

29 SECTION 4. IC 24-5-14-12 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 12. (a) A caller may not
 31 use an automatic dialing-announcing device to make a telephone call
 32 to the following:

33 (1) A hospital (as defined in IC 16-18-2-179(b)).

34 (2) An ambulatory outpatient surgical center (as defined in
 35 IC 16-18-2-14).

36 (3) A health facility (as defined in IC 16-18-2-167).

37 (4) An emergency medical services facility (as defined in
 38 IC 16-18-2-111).

39 (5) A business providing emergency ambulance services (as
 40 defined in IC 16-18-2-107).

41 (6) A state institution (as defined in IC 12-7-2-184).

42 (7) A private mental health institution licensed under IC 12-25.



1 (8) A residential facility (as defined in IC 12-7-2-165).

2 (9) A law enforcement agency (as defined in IC 5-2-5-1).

3 (10) A fire department (as defined in IC 36-8-17-2).

4 **(b) A caller may not use an automatic dialing-announcing device**
5 **to make a telephone call to a telephone number that is unlisted or**
6 **unpublished in a telephone directory unless the call is to provide a**
7 **message permitted under section 5(a)(4) of this chapter.**

8 SECTION 5. IC 24-5-14-13 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 13. A caller, **telephone**
10 **company, or telephone directory publisher** who violates this chapter
11 commits a deceptive act that is actionable by the attorney general under
12 IC 24-5-0.5-4 and that is subject to the remedies and penalties under
13 IC 24-5-0.5-4(c), IC 24-5-0.5-4(d), IC 24-5-0.5-4(f), IC 24-5-0.5-4(g),
14 and IC 24-5-0.5-8.

15 SECTION 6. IC 24-5-14-14 IS ADDED TO THE INDIANA CODE
16 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
17 1, 1998]: **Sec. 14. (a) A telephone company or telephone directory**
18 **publisher selling or licensing lists of residential subscribers may**
19 **not include the telephone number of a subscriber assigned an**
20 **unlisted or unpublished telephone number.**

21 **(b) This section does not apply to providing telephone numbers**
22 **to an agency covered by section 5(a)(4) of this chapter.**

