

HOUSE BILL No. 1176

DIGEST OF INTRODUCED BILL

Citations Affected: IC 24-4-12; IC 24-5-12-25.

Synopsis: Solicitation and collection calls on Sundays. Makes it a Class C infraction for a seller to knowingly or intentionally initiate a telephone conversation with a prospect on a Sunday for the purpose of making a solicitation to the prospect. Makes it a Class C infraction for a creditor to initiate a telephone conversation with a debtor of the creditor on a Sunday for the purpose of collecting a debt that was incurred for primarily personal, family, or household purposes. Specifies that the prohibition against Sunday collection calls does not apply to a debt that arose out of a personal relationship between the debtor and the creditor.

Effective: July 1, 1998.

Liggett

January 8, 1998, read first time and referred to Committee on Judiciary.

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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.

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HOUSE BILL No. 1176



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 24-4-12 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1998]:

4 **Chapter 12. Prohibition Against Collection Calls on Sunday**

5 **Sec. 1. This chapter does not apply to the collection of debts**
6 **arising out of a personal relationship between the debtor and the**
7 **creditor.**

8 **Sec. 2. As used in this chapter, "creditor" means a person or the**
9 **agent of a person to whom another person owes or allegedly owes**
10 **a debt.**

11 **Sec. 3. As used in this chapter, "debt" means an obligation or**
12 **alleged obligation of a debtor to pay to a creditor money arising**
13 **out of a transaction in which the money, property, insurance, or**
14 **services that are the subject of the transaction are primarily used**
15 **for personal, family, or household purposes, regardless of whether**
16 **the obligation has been reduced to judgment.**

17 **Sec. 4. As used in this chapter, "debtor" means an individual**



1 obligated or allegedly obligated to pay a debt.
2 **Sec. 5. A creditor may not knowingly or intentionally initiate a**
3 **telephone conversation with a debtor of the creditor on a Sunday**
4 **for the purpose of collecting a debt from the debtor.**
5 **Sec. 6. A person that violates section 5 of this chapter commits**
6 **a Class C infraction.**
7 SECTION 2. IC 24-5-12-25 IS ADDED TO THE INDIANA CODE
8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
9 1, 1998]: **Sec. 25. (a) Notwithstanding section 8 of this chapter, as**
10 **used in this section, "seller" means a person who, personally,**
11 **through salespersons, or through the use of an automated dialing**
12 **and answering device, makes to a prospect a solicitation that is**
13 **outside of the course of dealing, as described by IC 26-1-1-205,**
14 **between the seller and the prospect.**
15 **(b) A seller may not knowingly or intentionally initiate a**
16 **telephone conversation with a prospect on a Sunday for the**
17 **purpose of making a solicitation to the prospect.**
18 **(c) A seller who violates subsection (b) commits a Class C**
19 **infraction.**

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