

HOUSE BILL No. 1214

DIGEST OF INTRODUCED BILL

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

Synopsis: Telephone solicitations to senior citizens. Requires a seller making a telephone solicitation to make certain disclosures to a prospect at the beginning of the telephone solicitation and requires the seller to terminate the conversation if the prospect informs the seller that the prospect is at least 65 years of age. Makes it a Class B misdemeanor for a seller to knowingly fail to: (1) make the required disclosures; or (2) terminate a telephone conversation if the prospect is at least 65 years of age.

Effective: July 1, 1998.

Friend, Webber, Klinker, Steele

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

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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.

HOUSE BILL No. 1214



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 at the
11 beginning of the conversation:**
12 **(1) inform the prospect that the seller:**
13 **(A) intends to make a solicitation;**
14 **(B) is required by law to ask whether the prospect is at
15 least sixty-five (65) years of age; and**
16 **(C) must terminate the telephone conversation if the
17 prospect informs the seller that the prospect is at least**



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1 sixty-five (65) years of age;
2 (2) ask the prospect whether the prospect is at least sixty-five
3 (65) years of age; and
4 (3) terminate the telephone conversation if the prospect
5 informs the seller that the prospect is at least sixty-five (65)
6 years of age.
7 Further attempts by the seller to offer an item to the prospect in
8 exchange for money or other consideration must be made by
9 written communication.
10 (c) A seller who knowingly violates subsection (b) commits a
11 Class B misdemeanor.

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