

IC 24-4.7-3

Chapter 3. Duties of the Division

IC 24-4.7-3-1

Quarterly listing

Sec. 1. (a) A quarterly listing of telephone numbers of Indiana consumers who request not to be solicited by telephone shall be established, maintained, and published as provided in this section.

(b) The telephone number of a consumer shall be placed on the listing if the consumer requests to be added to the listing according to a procedure approved by the division.

(c) The listing shall be updated upon receipt of a request from a consumer.

(d) A telephone solicitor may obtain a copy of the listing upon request of the telephone solicitor as provided in this section.

(e) The division shall establish a fee to be paid by a telephone solicitor for obtaining a copy of the listing. The fee established under this subsection may not exceed the amount necessary to cover the cost of providing the listing to telephone solicitors.

As added by P.L.189-2001, SEC.1.

IC 24-4.7-3-2

Agents

Sec. 2. (a) The division may contract with an agent to perform the division's duties under section 1 of this chapter if both of the following conditions are satisfied:

(1) The agent has demonstrated experience in maintaining a national no sales solicitation calls listing.

(2) The contract requires the vendor to provide the listing in:

(A) a printed hard copy format; and

(B) any other format offered;

at a cost that does not exceed the production cost of the format offered.

(b) If the division enters into a contract under this section, the division must retain the ultimate authority for the following:

(1) Approval of the procedures for establishment, maintenance, and publication of the listing.

(2) Establishing fees required by section 1(e) of this chapter.

As added by P.L.189-2001, SEC.1.

IC 24-4.7-3-3

Investigation

Sec. 3. The division shall investigate complaints received concerning violations of this article.

As added by P.L.189-2001, SEC.1.

IC 24-4.7-3-4

Division to notify Indiana residents of rights and duties

Sec. 4. The division shall notify Indiana residents of the rights and duties created by this article, including the right of any of the

following consumers to place a telephone number on the listing established and maintained under section 1 of this chapter:

- (1) Subscribers of interconnected VOIP service.
- (2) Subscribers of mobile telecommunications service (as defined in IC 6-8.1-15-7).
- (3) Users of a prepaid wireless calling service, as described in IC 24-4.7-2-2(b).

As added by P.L.189-2001, SEC.1. Amended by P.L.226-2011, SEC.12.

IC 24-4.7-3-5

Reports

Sec. 5. (a) The division shall, after June 30 and before October 1 of each year, report to the regulatory flexibility committee established by IC 8-1-2.6-4 on the following:

- (1) For the state fiscal year ending June 30, 2002, the expenses incurred by the division in establishing the listing.
- (2) The total amount of fees deposited in the fund during the most recent state fiscal year.
- (3) The expenses incurred by the division in maintaining and promoting the listing during the most recent state fiscal year.
- (4) The projected budget required by the division to comply with this article during the current state fiscal year.
- (5) Any other expenses incurred by the division in complying with this article during the most recent state fiscal year.
- (6) The total number of subscribers on the listing at the end of the most recent state fiscal year.
- (7) The number of new subscribers added to the listing during the most recent state fiscal year.
- (8) The number of subscribers removed from the listing for any reason during the most recent state fiscal year.

(b) The regulatory flexibility committee shall, before November 1 of each year, issue in an electronic format under IC 5-14-6 a report and recommendations to the legislative council concerning the information received under subsection (a).

As added by P.L.189-2001, SEC.1. Amended by P.L.28-2004, SEC.163.

IC 24-4.7-3-6

Fund

Sec. 6. (a) The consumer protection division telephone solicitation fund is established for the purpose of the administration of:

- (1) this article; and
- (2) IC 24-5-0.5-3(a)(19).

The fund shall be used exclusively for this purpose.

- (b) The division shall administer the fund.
- (c) The division shall deposit all revenue received:

- (1) under this article; and
- (2) from civil penalties deposited under IC 24-5-0.5-4(h);

in the fund.

(d) Money in the fund is continuously appropriated to the division for the administration of:

- (1) this article; and
- (2) IC 24-5-0.5-3(a)(19).

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund. However, if the amount of money in the fund at the end of a particular state fiscal year exceeds two hundred thousand dollars (\$200,000), the treasurer of state shall transfer the excess from the fund to the state general fund.

As added by P.L.189-2001, SEC.1. Amended by P.L.85-2006, SEC.1.

IC 24-4.7-3-7

Adoption of rules

Sec. 7. The division may adopt rules under IC 4-22-2 to implement this article.

As added by P.L.189-2001, SEC.1.