

## **IC 24-5-14**

### **Chapter 14. Regulation of Automatic Dialing Machines**

#### **IC 24-5-14-1**

##### **Automatic dialing-announcing device**

Sec. 1. As used in this chapter, "automatic dialing-announcing device" means a device that:

- (1) selects and dials telephone numbers; and
- (2) working alone or in conjunction with other equipment, disseminates a prerecorded or synthesized voice message to the telephone number called.

*As added by P.L.151-1988, SEC.1.*

#### **IC 24-5-14-2**

##### **Caller**

Sec. 2. As used in this chapter, "caller" means an individual, corporation, limited liability company, partnership, unincorporated association, or the entity that attempts to contact, or contacts, a subscriber in Indiana by using a telephone or telephone line.

*As added by P.L.151-1988, SEC.1. Amended by P.L.8-1993, SEC.364.*

#### **IC 24-5-14-3**

##### **Commercial telephone solicitation**

Sec. 3. (a) As used in this chapter, "commercial telephone solicitation" means any unsolicited call to a subscriber when:

- (1) the person initiating the call has not had a prior business or personal relationship with the subscriber; and
- (2) the purpose of the call is to solicit the purchase or the consideration of the purchase of goods or services by the subscriber.

(b) The term does not include calls initiated by the following:

- (1) The state or a political subdivision (as defined by IC 36-1-2-13) for exclusively public purposes.
- (2) The United States or any of its subdivisions for exclusively public purposes (involving real property in Indiana).

*As added by P.L.151-1988, SEC.1.*

#### **IC 24-5-14-4**

##### **Subscriber**

Sec. 4. As used in this chapter, "subscriber" means:

- (1) a person who has subscribed to telephone service from a telephone company; or
- (2) other persons living or residing with the subscribing person.

*As added by P.L.151-1988, SEC.1.*

#### **IC 24-5-14-5**

##### **Restrictions on use of automatic dialing-announcing device**

Sec. 5. (a) This section does not apply to messages:

- (1) from school districts to students, parents, or employees;

(2) to subscribers with whom the caller has a current business or personal relationship; or

(3) advising employees of work schedules.

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

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

or

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

*As added by P.L.151-1988, SEC.1.*

#### **IC 24-5-14-6**

##### **Disconnect requirement**

Sec. 6. A caller may not use an automatic dialing-announcing device unless the device is designed and operated to disconnect within ten (10) seconds after termination of the telephone call by the subscriber.

*As added by P.L.151-1988, SEC.1.*

#### **IC 24-5-14-7**

##### **Live operator preceding message; disclosure**

Sec. 7. When a message is immediately preceded by a live operator, the operator must, at the outset of the message, disclose the following:

(1) The name of the business, firm, organization, association, partnership, or entity for which the message is being made.

(2) The purpose of the message.

(3) The identity or kinds of goods or services the message is promoting.

(4) If applicable, the fact that the message intends to solicit payment or the commitment of funds.

*As added by P.L.151-1988, SEC.1.*

#### **IC 24-5-14-8**

##### **Time restrictions**

Sec. 8. (a) This section does not apply to messages described in section 5(a) of this chapter.

(b) A caller may not use an automatic dialing-announcing device for commercial telephone solicitation so that a subscriber receives a telephone call before 9 a.m. or after 8 p.m.

*As added by P.L.151-1988, SEC.1.*

#### **IC 24-5-14-9**

##### **Failure to comply; petition; injunction**

Sec. 9. Upon petition by any person that a caller has failed to comply with this chapter, the circuit or superior court of the county of residence of the petitioner may enjoin the caller from further violations.

*As added by P.L.151-1988, SEC.1.*

**IC 24-5-14-10****Misdemeanor**

Sec. 10. A caller who fails to comply with this chapter commits a Class C misdemeanor.

*As added by P.L.151-1988, SEC.1.*

**IC 24-5-14-12****Prohibited use of automatic dialing-announcing device**

Sec. 12. A caller may not use an automatic dialing-announcing device to make a telephone call to the following:

- (1) A hospital (as defined in IC 16-18-2-179(b)).
- (2) An ambulatory outpatient surgical center (as defined in IC 16-18-2-14).
- (3) A health facility (as defined in IC 16-18-2-167).
- (4) An emergency medical services facility (as defined in IC 16-18-2-111).
- (5) A business providing emergency ambulance services (as defined in IC 16-18-2-107).
- (6) A state institution (as defined in IC 12-7-2-184).
- (7) A private mental health institution licensed under IC 12-25.
- (8) A residential facility (as defined in IC 12-7-2-165).
- (9) A law enforcement agency (as defined in IC 10-13-3-10).
- (10) A fire department (as defined in IC 36-8-17-2).

*As added by P.L.117-1992, SEC.1. Amended by P.L.2-1993, SEC.134; P.L.2-2003, SEC.63.*

**IC 24-5-14-13****Deceptive act of caller; remedies and penalties**

Sec. 13. A caller who violates this chapter commits a deceptive act that is actionable by the attorney general under IC 24-5-0.5-4 and that is subject to the remedies and penalties under 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), and IC 24-5-0.5-8.

*As added by P.L.117-1992, SEC.2.*