

SENATE BILL No. 37

DIGEST OF INTRODUCED BILL

Citations Affected: IC 24-4.7-1-1.

Synopsis: Removal of exemptions from "do not call" law. Removes existing exemptions from the statute governing telephone solicitations of consumers (Indiana's "do not call" list) for calls made by the following: (1) Tax exempt charitable organizations. (2) Licensed real estate brokers. (3) Licensed insurance producers and surplus lines producers. (4) Newspapers.

Effective: July 1, 2014.

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January 6, 2014, read first time and referred to Committee on Commerce, Economic Development & Technology.



Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE BILL No. 37

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 24-4.7-1-1 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. This article does not
- 3 apply to any of the following:
- 4 (1) A telephone call made in response to an express request of the
- 5 person called.
- 6 (2) A telephone call made primarily in connection with an
- 7 existing debt or contract for which payment or performance has
- 8 not been completed at the time of the call, **subject to the federal**
- 9 **Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.),**
- 10 **including any rules or regulations issued under the federal**
- 11 **Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.), if**
- 12 **applicable.**
- 13 (3) A telephone call made on behalf of a charitable organization
- 14 that is exempt from federal income taxation under Section 501 of
- 15 the Internal Revenue Code; but only if all of the following apply:
- 16 (A) The telephone call is made by a volunteer or an employee



- 1 of the charitable organization.
- 2 (B) The telephone solicitor who makes the telephone call
- 3 immediately discloses all of the following information upon
- 4 making contact with the consumer:
- 5 (i) The solicitor's true first and last name.
- 6 (ii) The name, address, and telephone number of the
- 7 charitable organization.
- 8 (4) A telephone call made by an individual licensed under
- 9 IC 25-34.1 if:
- 10 (A) the sale of goods or services is not completed; and
- 11 (B) the payment or authorization of payment is not required;
- 12 until after a face to face sales presentation by the seller.
- 13 (5) A telephone call made by an individual licensed under
- 14 IC 27-1-15.6 or IC 27-1-15.8 when the individual is soliciting an
- 15 application for insurance or negotiating a policy of insurance on
- 16 behalf of an insurer (as defined in IC 27-1-2-3).
- 17 (6) A telephone call soliciting the sale of a newspaper of general
- 18 circulation, but only if the telephone call is made by a volunteer
- 19 or an employee of the newspaper.

