

- TELEPHONE PRIVACY -
INDIANA'S AUTODIALER LAW

The following information was prepared by the Indiana Attorney General's Office Telephone Privacy Enforcement staff in response to a July 2008 meeting between that office and ADAI to clarify the AGO's regulation of the law. Questions should be directed to the AGO's Telephone Privacy Enforcement section at 317-232-1011.

**SUMMARY OF
IC 24-5-14 REGULATION OF AUTOMATIC DIALING MACHINES
HIGHLIGHTS**

- Permits autodialed/prerecorded message calls from:
 - (1) School districts to students, parents or employees;
 - (2) Calls to subscribers with whom the caller has a current business or personal relationship;
 - (3) Employers to employees advising employees of work schedules.
- Prohibits all other autodialed recorded messages unless the message is immediately preceded by a live operator who obtains the subscriber's consent before the message is delivered.

Definitions

"automatic dialing-announcing device" selects and dials telephone numbers and disseminates a prerecorded or synthesized voice message to the telephone number called. (IC§24-5-14-1)

"caller" = 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. (IC §24-5-14-2)

"commercial telephone solicitation" = unsolicited call to a subscriber with no prior business or personal relationship to solicit the purchase or the consideration of the purchase of goods or services by the subscriber. Exceptions: Calls from (1) state or political subdivision for exclusively public purposes; and (2) US or its subdivisions for exclusively public purposes (involving real property in Indiana). (IC §24-5-14-3)

"subscriber" = a person who has subscribed to telephone service from a telephone company; or other persons living or residing with the subscribing person. (IC §24-5-12-4)

Permitted calls

School districts to students, parents or employees; Messages to subscribers with whom the caller has a current business or personal relationship; or Employers advising employees of work schedules.

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TELEPHONE PRIVACY - AUTODIALER LAW (CONT'D)

Generally Prohibited calls

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. (IC §24-5-14-5)

Required disclosures

Live operator must, at the outset of the message, disclose the name of the business, firm, organization, association, partnership, or entity for which the message is being made; purpose of the message; identity or kinds of goods or services the message is promoting; and if applicable, the fact that the message intends to solicit payment or the commitment of funds. (IC 24-5-14-7)

Specifically Prohibited calls

Calls to hospital, ambulatory outpatient surgical center, health facility, emergency medical services facility, business providing emergency ambulance services, state institution, private mental health institution, residential facility, law enforcement agency, fire department. (IC §24-5-14-12)

Hours limitations

Except for “permitted calls” above, no autodialed commercial telephone solicitations **before 9 am** or **after 8 pm**. (IC §24-5-14-8)

Disconnection requirement

Device must be designed to disconnect w/in 10 seconds after termination of call by subscriber. (IC §24-5-14-6)

Legal Action

May be filed by any person; Circuit or superior court may enjoin caller. IC §24-5-14-9; Actions by Attorney General; subject to remedies and penalties for deceptive act. (IC §24-5-14-13)

Criminal Penalty

Caller who fails to comply commits a Class C Misdemeanor. (IC §24-5-14-10) Sentence for Class C Misdemeanor: not more than 60 days and/or not more than \$500 fine. (IC §35-50-3-4)