

714A.1 Definitions.

As used in this chapter:

1. “*Advertisement*” means advertisement as defined in section 714.16, subsection 1, paragraph “a”. However, for purposes of this chapter, advertisement does not include a residential listing or a listing in any section of the directory in which businesses or professions are listed alphabetically rather than grouped by subject category, or a standard listing in the subject category section of a telephone directory. Advertisement also does not include a display advertisement or a listing which is made to appear more conspicuous than other listings in the subject category section of a telephone directory, provided that such display advertisement or listing includes a conspicuous disclosure that the call is a pay-per-call service and refers a reader in a clear and conspicuous manner to a page number of the directory where the reader may find an explanation of pay-per-call services. Such explanation of pay-per-call services shall include all of the following:

- a. The disclosure and preamble requirements under the law.
- b. The availability and costs of blocking options, if any.
- c. Whether a consumer’s phone service may be terminated for failure to pay for pay-per-call services.

d. The procedures for handling consumer inquiries and complaints.

2. “*Amount of time necessary to complete a call*” means for purposes of a fixed length call, the total length of the call in minutes, and for purposes of a variable length call, a reasonable, good faith estimate in minutes of the likely length of the call.

3. “*Merchandise*” means merchandise as defined in section 714.16, subsection 1, paragraph “i”.

4. a. “*Pay-per-call service*” means electronic communications products and services which are provided to end users by information or service providers, and which meet all of the following requirements:

(1) The end users send or receive information, services, or communications whose general subject matter is determined or influenced by the service provider.

(2) The end users send or receive the information, services, or communications via a telephone connection using audio input which is not modulated or demodulated by the end user.

(3) The charge to the end user for the information, services, or communications is determined by the information or service provider and is made on a per-call or per-minute basis.

b. (1) Where the requirements under paragraph “a” are met, pay-per-call service includes, but is not limited to, the following:

- (a) Information retrieval from a remote database.
- (b) Information collection for polling and data entry.
- (c) Services offered for public entertainment in which users participate in or listen to a conversation.

(2) Pay-per-call service does not include electronic communication for the purpose of conducting financial transactions, or any service the price of which is established pursuant to a tariff approved by a regulatory agency.

5. “*Person*” means person as defined in section 714.16, subsection 1, paragraph “j”, and includes a long distance company and local exchange company as defined in section 477.10.

91 Acts, ch 171, §1