

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](#)