

File Committee 4/4/91 See Page 4/11/91 (p. 1195)

MAY 20 1991

HOUSE FILE 570

BY COMMITTEE ON COMMERCE

Place On Calendar

(SUCCESSOR TO HF 315)

Passed House, Date 4/3/91 (p. 1053) Passed Senate, Date 4/17/91 (p. 1225)
Vote: Ayes 87 Nays 11 Vote: Ayes 48 Nays 0
Approved May 8, 1991 (p. 2193)

A BILL FOR

1 An Act relating to limitations on the use of automatic dialing-
2 announcing device equipment and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 510

1 Section 1. NEW SECTION. 476.57 LIMITATIONS ON USE OF
2 ADAD EQUIPMENT -- PENALTY.

3 1. DEFINITION. As used in this section, "ADAD equipment"
4 means automatic dialing-announcing device equipment which is a
5 device or system of devices used, either alone or in
6 conjunction with other equipment, for the purpose of
7 automatically selecting or dialing telephone numbers without
8 the use of a live operator to disseminate prerecorded messages
9 to the numbers selected or dialed.

10 2. PROHIBITION.

11 a. Except as provided in paragraph "b", a person shall not
12 use, employ, or direct another person to use, or contract for
13 the use of ADAD equipment.

14 b. Except for ADAD equipment which randomly or
15 sequentially selects the telephone numbers for calling, the
16 prohibition in paragraph "a" does not apply to any of the
17 following:

18 (1) Calls made with ADAD equipment by a nonprofit
19 organization or by an individual using the calls other than
20 for commercial profit-making purposes or fundraising, if the
21 calls do not involve the advertisement or offering for sale,
22 lease, or rental of goods, services, or property.

23 (2) Calls made with ADAD equipment relating to payment
24 for, service of, or warranty coverage of previously ordered or
25 purchased goods or services or to persons or organizations
26 with a prior business relationship with the persons or
27 organizations using the calls.

28 (3) Calls made with ADAD equipment relating to the
29 collection of lawful debts.

30 (4) Calls made with ADAD equipment to members or employees
31 of the organization making the calls.

32 (5) Calls made with ADAD equipment which use an initial
33 prerecorded message of a duration no greater than seven
34 seconds prior to a live operator intercept, or calls which
35 involve an initial message from a live operator.

1 3. TERMINATION. Calls made with ADAD equipment must
2 terminate the connection with any call within ten seconds
3 after the person receiving the call acts to disconnect the
4 call.

5 4. PENALTY. A violation of this section is a serious
6 misdemeanor.

7 EXPLANATION

8 This bill provides that it is unlawful for a person to use,
9 to direct another to use, or to contract for the use of
10 automatic dialing-announcing devices except under certain
11 circumstances. The prohibition does not apply to certain
12 calls made by a nonprofit organization, calls relating to
13 payment for, service of, or warranty coverage of previously
14 ordered or purchased goods or services, calls relating to the
15 collection of lawful debts, calls to members or employees of
16 an organization making the calls, and calls which employ an
17 initial prerecorded message of a duration no greater than
18 seven seconds prior to a live operator intercept. A violation
19 of this section is a serious misdemeanor.

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HOUSE FILE 570

AN ACT

RELATING TO LIMITATIONS ON THE USE OF AUTOMATIC DIALING-ANNOUNCING DEVICE EQUIPMENT AND PROVIDING A PENALTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 476.57 LIMITATIONS ON USE OF ADAD EQUIPMENT -- PENALTY.

1. DEFINITION. As used in this section, "ADAD equipment" means automatic dialing-announcing device equipment which is a device or system of devices used, either alone or in conjunction with other equipment, for the purpose of automatically selecting or dialing telephone numbers without the use of a live operator to disseminate prerecorded messages to the numbers selected or dialed.

2. PROHIBITION.

a. Except as provided in paragraph "b", a person shall not use, employ, or direct another person to use, or contract for the use of ADAD equipment.

b. Except for ADAD equipment which randomly or sequentially selects the telephone numbers for calling, the prohibition in paragraph "a" does not apply to any of the following:

(1) Calls made with ADAD equipment by a nonprofit organization or by an individual using the calls other than for commercial profit-making purposes or fundraising, if the calls do not involve the advertisement or offering for sale, lease, or rental of goods, services, or property.

(2) Calls made with ADAD equipment relating to payment for, service of, or warranty coverage of previously ordered or purchased goods or services or to persons or organizations with a prior business relationship with the persons or organizations using the calls.

(3) Calls made with ADAD equipment relating to the collection of lawful debts.

(4) Calls made with ADAD equipment to members or employees of the organization making the calls.

(5) Calls made with ADAD equipment which use an initial prerecorded message of a duration no greater than seven seconds prior to a live operator intercept, or calls which involve an initial message from a live operator.

3. TERMINATION. Calls made with ADAD equipment must terminate the connection with any call within ten seconds after the person receiving the call acts to disconnect the call.

4. PENALTY. A violation of this section is a serious misdemeanor.

ROBERT C. ARNOULD
Speaker of the House

JOS. J. WELSH
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 570, Seventy-fourth General Assembly.

JOSEPH O'BERN
Chief Clerk of the House

Approved *May 8* 1991

TERRY E. BRANSTAD
Governor

HF 570