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COMMERCE AND REGULATION

HOUSE FILE 2427  
BY RICHARDSON

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act regarding commercial solicitations, by providing for the  
2 removal of identifying information from solicitation lists,  
3 providing for the release of public records, and providing  
4 penalties.

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

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HF 2427

1 Section 1. NEW SECTION. 22.3B RELEASE OF INFORMATION FOR  
2 PURPOSES OF DIRECT SOLICITATION.

3 1. The lawful custodian of a public record shall maintain  
4 a record of direct solicitors who request identifying  
5 information about persons for purposes of direct solicitation  
6 as defined in section 714C.1. The direct solicitor record  
7 shall include the name, address, and telephone number of the  
8 direct solicitor and the name, address, and telephone number  
9 of each person to whom a demand for removal may be made as  
10 provided in section 714C.2 in order to ensure that the  
11 identifying information is not used for purposes of direct  
12 solicitation.

13 2. A lawful custodian shall not release identifying  
14 information to a direct solicitor who has previously provided  
15 inaccurate or incomplete information to the custodian, unless  
16 the direct solicitor provides all information required to  
17 comply with this section.

18 Sec. 2. NEW SECTION. 714C.1 DEFINITIONS.

19 As used in this chapter, unless the context otherwise  
20 requires:

21 1. "Direct solicitation" means to present a commercial  
22 message, including a message offering the sale of property,  
23 products, or services, to a person by contacting a person, if  
24 all of the following apply:

25 a. The contact is made by an individual or by computer.

26 b. The contact is received personally, or by telephone,  
27 personal computer, courier, or the United States postal  
28 service.

29 2. "Direct solicitation list" means a list containing  
30 identifying information regarding a person, if the list is  
31 used for purposes of contacting the person for direct  
32 solicitation.

33 3. "Direct solicitor" means a person who engages in direct  
34 solicitation or distributes direct solicitation lists to other  
35 persons.

1 4. "Identifying information" means information about a  
2 person that may be used for purposes of contacting the person  
3 by direct solicitation, including the person's name, home or  
4 business address, home or business telephone number, or  
5 personal computer address.

6 Sec. 3. NEW SECTION. 714C.2 REMOVAL OF IDENTIFYING  
7 INFORMATION FROM SOLICITATION LISTS.

8 1. A person may make a demand for removal to a direct  
9 solicitor. The demand shall require that identifying  
10 information about the person be removed from any direct  
11 solicitation list maintained by the direct solicitor.

12 2. The person must make the demand for removal by  
13 providing written notice to the direct solicitor. The demand  
14 may require that the direct solicitor provide the name,  
15 address, and telephone number of each person to whom the  
16 direct solicitor distributed a direct solicitation list  
17 containing identifying information about the person. However,  
18 the person and the direct solicitor may agree to waive the  
19 written notice requirement if the parties agree that demand  
20 for removal shall be accomplished by a procedure established  
21 by the direct solicitor. The direct solicitor is not required  
22 to provide the name, address, and telephone number of a person  
23 to whom the direct solicitor distributed a direct solicitation  
24 list, if the direct solicitor has established procedures for  
25 removing the name of the person from direct solicitation lists  
26 which have been distributed by the direct solicitor.

27 3. The direct solicitor shall comply with a demand for  
28 removal not later than ten days after receiving the demand. A  
29 person shall not be charged a fee by the direct solicitor for  
30 complying with this section.

31 Sec. 4. NEW SECTION. 714C.3 PENALTIES.

32 A direct solicitor who violates this chapter shall be  
33 subject to a civil penalty of not more than five hundred  
34 dollars. The action may be brought by the attorney general, a  
35 county attorney, or the person receiving the direct

1 solicitation in violation of this section. An action brought  
 2 by the attorney general may be brought in the county where the  
 3 direct solicitor does business or in Polk county. The civil  
 4 penalties shall be deposited in the general fund of the state.  
 5 The court may deduct from the civil penalties an amount equal  
 6 to the court costs and reasonable attorney fees incurred in  
 7 prosecuting the case for award to the prevailing party  
 8 bringing the action.

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EXPLANATION

10 This bill regulates direct solicitation by persons who  
 11 offer to sell property, products, or services personally, by  
 12 telephone, by personal computer, by courier, or by mail.

13 The bill creates a new Code chapter providing that a person  
 14 may make a demand for removal to a direct solicitor. The  
 15 demand requires that identifying information about the person  
 16 be removed from any direct solicitation list maintained by the  
 17 direct solicitor. The bill provides procedures for making the  
 18 demand and removal of the identifying information. A direct  
 19 solicitor who violates these provisions is subject to a civil  
 20 penalty of not more than \$500.

21 The bill amends provisions in Code chapter 22 to require  
 22 that the custodian of a public record must maintain a record  
 23 of direct solicitors who request identifying information about  
 24 persons for purposes of direct solicitation. The bill  
 25 provides that the record of direct solicitors must include the  
 26 name, address, and telephone number of the direct solicitor  
 27 and the name, address, and telephone number of each person to  
 28 whom a demand for removal may be made in order to ensure that  
 29 the identifying information is not used for purposes of direct  
 30 solicitation.

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