

FEB 11 2000

COMMERCE AND REGULATION

HOUSE FILE 2238
BY HOLVECK

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the use of automatic dialing-announcing device
2 equipment by prohibiting certain acts, requiring certain
3 disclosures, and making penalties applicable.

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

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TT 2238

1 Section 1. Section 476.57, subsections 1 and 2, Code 1999,
2 are amended to read as follows:

3 1. DEFINITION DEFINITIONS. As used in this section,
4 unless the context otherwise requires:

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

11 b. "Caller identification" means the display of the
12 caller's telephone number or identity to the recipient of the
13 call.

14 2. PROHIBITION.

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

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

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

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

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

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

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

5 c. Notwithstanding paragraph "b", ADAD equipment shall not
6 be operated in a manner that impedes or prevents the function
7 of a recipient's caller identification when the caller's
8 equipment is capable of allowing the display of the caller's
9 telephone number or identity.

10 d. Notwithstanding paragraph "b", a person who uses or
11 employs ADAD equipment as provided in this section shall
12 identify the person within the first fifteen seconds of a call
13 and provide the recipient of the call with the name and
14 telephone number of a person whom the recipient may call to
15 request that no further calls be made to the recipient.

16 EXPLANATION

17 This bill provides that a person using ADAD (automatic
18 dialing-announcing device) equipment is prohibited from using
19 equipment in a manner that impedes or prevents the function of
20 a recipient's caller identification when the caller's ADAD
21 equipment is capable of allowing the display of the caller's
22 telephone number or identity.

23 The bill also provides that a person who uses or employs
24 ADAD equipment must identify the person within the first 15
25 seconds of a call and provide the recipient of the call with
26 the name and telephone number of a person who the recipient
27 may call to request that no further calls be made to the
28 recipient.

29 A person violating the bill is guilty of a serious
30 misdemeanor, as provided under current law for a violation of
31 Code section 476.57.

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