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SENATE FILE  
BY KREIMAN

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

A BILL FOR

1 An Act relating to telephone solicitations, including  
2 establishing certain restrictions on telephone solicitors,  
3 providing for registration for persons choosing not to receive  
4 certain telephone solicitations, and providing penalties and  
5 remedies.

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

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COMMERCE

1 Section 1. NEW SECTION. 476B.1 DEFINITIONS.

2 As used in this chapter, unless the context otherwise  
3 requires:

4 1. "Consumer" means an actual or prospective purchaser,  
5 lessee, or recipient of a consumer good or service.

6 2. "Consumer good or service" means any real property or  
7 any tangible or intangible personal property which is normally  
8 used for personal, family, or household purposes, including,  
9 without limitation, any such property intended to be attached  
10 to or installed in any real property without regard to whether  
11 it is so attached or installed, as well as cemetery lots and  
12 timeshare estates, and any service related to such property.

13 3. "Doing business in this state" means a business that  
14 conducts telephone solicitations from a location in this state  
15 or from other states or nations to consumers located in this  
16 state.

17 4. "Existing business relationship" means an established  
18 pattern of activity between a consumer and a merchant,  
19 involving an inquiry, application, purchase, or transaction  
20 initiated by a consumer regarding products or services offered  
21 by a merchant.

22 5. "Merchant" means a person who, directly or indirectly,  
23 offers or makes available to a consumer any consumer good or  
24 service.

25 6. "Telephone solicitation" means any voice communication,  
26 wherever originated, transmitted over a telephone for the  
27 purpose of encouraging action on the part of the consumer,  
28 including but not limited to any of the following actions:

29 a. The purchase or rental of consumer goods or services.

30 b. Investment in consumer goods or services.

31 c. Soliciting a sale of a consumer good or service.

32 d. Offering an extension of credit for a consumer good or  
33 service.

34 e. Obtaining information that will or may be used for the  
35 direct solicitation of a sale of a consumer good or service or

1 an offer of extension of credit for such purpose.

2 f. Soliciting a donation for any group, organization, or  
3 purpose.

4 7. "Telephone solicitor" means a person doing business in  
5 this state, who makes or causes to be made a telephone  
6 solicitation.

7 Sec. 2. NEW SECTION. 476B.2 DO-NOT-CALL LISTING.

8 1. The secretary of state shall contract with a service to  
9 maintain a do-not-call list of Iowa telephone subscribers who  
10 do not wish to receive telephone solicitations. The contract  
11 shall be made in consultation with the consumer protection  
12 division of the department of justice, so that all evidentiary  
13 issues and other issues related to enforcement are considered.

14 2. A residential, mobile, or telephonic paging device  
15 telephone subscriber who does not wish to receive telephone  
16 solicitations may register to be included on the do-not-call  
17 list contracted for by the secretary of state pursuant to  
18 subsection 1.

19 3. A telephone solicitor doing business in Iowa shall  
20 obtain a subscription to receive the quarterly updated  
21 subscription listings of consumers in Iowa who have registered  
22 to be included on the do-not-call list referred to in this  
23 section.

24 4. A telephone solicitor shall not call any consumer in  
25 Iowa whose name is on the do-not-call list referred to in this  
26 section.

27 5. This section shall not apply to the following calls:

28 a. Charitable organizations.

29 b. Polling firms.

30 c. Businesses who call a person with whom the business has  
31 an existing business relationship.

32 6. The secretary of state and consumer protection division  
33 of the department of justice shall adopt rules pursuant to  
34 chapter 17A to administer this section, including appropriate  
35 notices to consumers of the types of calls toward which such

1 registration is directed.

2 Sec. 3. NEW SECTION. 476B.3 INVESTIGATIONS -- CIVIL  
3 ACTIONS -- CIVIL PENALTY -- OTHER REMEDIES.

4 A violation of this chapter is a violation of section  
5 714.16, subsection 2, paragraph "a". All the powers conferred  
6 upon the attorney general to accomplish the objectives and  
7 carry out the duties prescribed pursuant to section 714.16 are  
8 also conferred upon the attorney general to enforce this  
9 chapter, including, but not limited to, the power to issue  
10 subpoenas, adopt rules pursuant to chapter 17A which shall  
11 have the force of law, and seek injunctive relief and civil  
12 penalties.

13 EXPLANATION

14 This bill creates new Code chapter 476B establishing  
15 restrictions on solicitations made by telephone.

16 New Code section 476B.1 provides definitions for the new  
17 chapter, including "consumer", "consumer good or service",  
18 "doing business in this state", "existing business  
19 relationship", "merchant", "telephone solicitation", and  
20 "telephone solicitor".

21 The bill provides in new Code section 476B.2 that the  
22 secretary of state shall contract with a service to maintain a  
23 do-not-call list. A residential, mobile, or telephonic paging  
24 device telephone subscriber desiring to be placed on a "do-  
25 not-call" list indicating that the subscriber does not wish to  
26 receive telephone solicitations may register with the service  
27 contracted for by the secretary of state. A telephone  
28 solicitor shall obtain the listing quarterly, and shall not  
29 call any consumer in Iowa whose name is on the list. The  
30 prohibition does not apply to charitable organizations,  
31 polling firms, or businesses who call a person with whom the  
32 businesses have an existing business relationship.

33 The bill provides in new Code section 476B.3 that the  
34 attorney general can enforce Code chapter 476B in the manner  
35 of a violation of Code section 714.16 relating to consumer

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