

JAN 1 1 2005  
COMMERCE, REGULATION & LABOR

HOUSE FILE 36  
BY ZIRKELBACH

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 and making a penalty applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 36

1 Section 1. Section 476.57, Code 2005, is amended to read  
2 as follows:

3 476.57 LIMITATIONS ON USE OF ADAD EQUIPMENT -- PENALTY.

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

11 2. PROHIBITION.

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

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

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

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

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

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

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

1 ~~involve-an-initial-message-from-a-live-operator.~~

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

6 ~~4. 3. PENALTY. A violation of this section is a serious~~  
7 ~~misdemeanor.~~

8 EXPLANATION

9 This bill eliminates all exceptions to the prohibition of  
10 the use of automatic dialing-announcing device equipment.  
11 Automatic dialing-announcing device equipment is defined as a  
12 device or system of devices used for the purpose of  
13 automatically selecting or dialing telephone numbers without a  
14 live operator to disseminate prerecorded messages to the  
15 numbers selected or dialed. A violation of the prohibition is  
16 a serious misdemeanor. A serious misdemeanor is punishable by  
17 confinement for no more than one year and a fine of at least  
18 \$250 but not more than \$1,500.

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