

IC 24-4.7-2

Chapter 2. Definitions

IC 24-4.7-2-1

Applicability of definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.189-2001, SEC.1.

IC 24-4.7-2-2

"Consumer"

Sec. 2. (a) "Consumer" means a residential telephone subscriber who:

- (1) for the telephone service received:
 - (A) has a place of primary use in Indiana; or
 - (B) is issued an Indiana telephone number or an Indiana identification number; and
- (2) is an actual or a prospective:
 - (A) purchaser, lessee, or recipient of consumer goods or services; or
 - (B) donor to a charitable organization.

(b) The term includes a user of a prepaid wireless calling service (as defined in IC 6-2.5-1-22.4) who:

- (1) is issued an Indiana telephone number or an Indiana identification number for the service; or
- (2) purchases prepaid wireless calling service in a retail transaction that is sourced to Indiana (as determined under IC 6-2.5-12-16).

As added by P.L.189-2001, SEC.1. Amended by P.L.226-2011, SEC.6.

IC 24-4.7-2-3

"Consumer goods or services"

Sec. 3. "Consumer goods or services" means any of the following:

- (1) Tangible or intangible personal property or real property that is normally used for personal, family, or household purposes.
- (2) Property intended to be attached to or installed on real property without regard to whether it is attached or installed.
- (3) Services related to property described in subdivision (1) or (2).
- (4) Credit cards or the extension of credit.

As added by P.L.189-2001, SEC.1.

IC 24-4.7-2-4

"Division"

Sec. 4. "Division" refers to the consumer protection division of the office of the attorney general.

As added by P.L.189-2001, SEC.1.

IC 24-4.7-2-5**"Doing business in Indiana"**

Sec. 5. "Doing business in Indiana" means:

- (1) making; or
- (2) causing others to make;

telephone sales calls to consumers located in Indiana whether the telephone sales calls are made from a location in Indiana or outside Indiana.

As added by P.L.189-2001, SEC.1. Amended by P.L.226-2011, SEC.7.

IC 24-4.7-2-6**"Fund"**

Sec. 6. "Fund" refers to the consumer protection division telephone solicitation fund established by IC 24-4.7-3-6.

As added by P.L.189-2001, SEC.1.

IC 24-4.7-2-7**"Listing"**

Sec. 7. "Listing" refers to the no telephone sales solicitation listing published by the division under IC 24-4.7-3 that lists the telephone numbers of consumers who do not wish to receive telephone sales calls.

As added by P.L.189-2001, SEC.1. Amended by P.L.226-2011, SEC.8.

IC 24-4.7-2-7.5**"Place of primary use"**

Sec. 7.5. "Place of primary use", with respect to a telephone subscriber, means the street address representative of where the subscriber's use of the telephone service primarily occurs, which must be:

- (1) the residential street address of the subscriber or, in the case of a subscriber of interconnected VOIP service, the subscriber's registered location (as defined in 47 CFR 9.3); and
- (2) in the case of mobile telecommunications services (as defined in IC 6-8.1-15-7), within the licensed service area of the home service provider, as set forth in IC 6-8.1-15-8.

As added by P.L.226-2011, SEC.9.

IC 24-4.7-2-8**"Telephone number"**

Sec. 8. "Telephone number" means a residential telephone number that:

- (1) is assigned to a subscriber who has a place of primary use in Indiana; or
- (2) otherwise represents an Indiana telephone number or is associated with an Indiana identification number.

As added by P.L.189-2001, SEC.1. Amended by P.L.226-2011, SEC.10.

IC 24-4.7-2-9

"Telephone sales call"

Sec. 9. (a) "Telephone sales call" means a telephone call made to a consumer for any of the following purposes:

- (1) Solicitation of a sale of consumer goods or services.
- (2) Solicitation of a charitable contribution.
- (3) Obtaining information that will or may be used for the direct solicitation of a sale of consumer goods or services or an extension of credit for such purposes.

(b) The term includes any of the following:

- (1) A call made by use of an automated dialing device.
- (2) A call made by use of a recorded message device.

(3) Transmission of:

- (A) a text message; or
- (B) a graphic message;

using short message service (SMS).

(4) Transmission of:

- (A) an image;
- (B) a photograph; or
- (C) a multimedia message;

using multimedia messaging service (MMS).

As added by P.L.189-2001, SEC.1. Amended by P.L.226-2011, SEC.11.

IC 24-4.7-2-10

"Telephone solicitor"

Sec. 10. "Telephone solicitor" means an individual, a firm, an organization, a partnership, an association, or a corporation, including affiliates and subsidiaries, doing business in Indiana.

As added by P.L.189-2001, SEC.1.