

### **367.461 Conditions for use of automated calling equipment.**

- (1) As used in KRS 367.461 to 367.469, "automated calling equipment" means any device or combination of devices which is used to select or dial telephone numbers and to deliver recorded messages to the numbers so selected or dialed.
- (2) Unless the conditions set out in paragraphs (a) to (f) of this subsection are met, no person shall use automated calling equipment, or cause it to be used, for conducting polls, for soliciting information, or for advertising goods, services, or property:
  - (a) The person receiving the call consents to it, as specified in KRS 367.463;
  - (b) The recorded message clearly states the name and telephone number of the person or organization initiating the call within the first twenty-five (25) seconds of the message and at the conclusion of the message. That telephone number given in the recorded message shall, during normal office hours, be answered promptly and personally by an agent of the person or organization on whose behalf the automatic calls are made, who is able to provide information concerning the automatic calls;
  - (c) The automated calling equipment terminates its connection with any telephone call within ten (10) seconds after the person called either fails to consent to hear a recorded message or hangs up the telephone;
  - (d) The use does not involve either the random or sequential dialing of telephone numbers, does not call telephone numbers which are omitted from the telephone directory at the customer's request, and does not call hospitals, nursing homes, fire protection agencies, or law enforcement agencies;
  - (e) Calls using the automated calling equipment are made only between 8:00 a.m. and 9:00 p.m.; and
  - (f) The automated calling equipment operates only when it is attended and is designed or installed so that it does not operate without an attendant, even in the event of power failures.
- (3) Nothing in this section prohibits the use of automated calling equipment to make calls with recorded messages when the calls:
  - (a) Are made in response to calls initiated by the person to whom the automatic call or recorded message is directed;
  - (b) Concern goods or services, or the availability of same which were previously ordered or purchased;
  - (c) Relate to collection of lawful debts;
  - (d) Are made by a public school as part of a program to regulate and control absenteeism of students; or
  - (e) Are reminders and notices of meetings and activities of organizations of which the person called is a member or a subscribed consumer of the services of the organization, or are made to a person with whom there is an existing business relationship.

**Effective:** July 14, 1992

**History:** Created 1992 Ky. Acts ch. 32, sec. 1, effective July 14, 1992.