

1 AN ACT relating to the use of automated calling equipment.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 367.461 is amended to read as follows:

- 4 (1) As used in KRS 367.461 to 367.469, "automated calling equipment" means any
5 device or combination of devices which is used to select or dial telephone numbers
6 and to deliver recorded messages to the numbers so selected or dialed.
- 7 (2) Unless the conditions set out in paragraphs (a) to (f) of this subsection are met, no
8 person shall use automated calling equipment, or cause it to be used, for conducting
9 polls, for soliciting information, or for advertising goods, services, or property:
- 10 (a) The person receiving the call consents to it, as specified in KRS 367.463;
- 11 (b) The recorded message clearly states the name and telephone number of the
12 person or organization initiating the call within the first twenty-five (25)
13 seconds of the message and at the conclusion of the message. That telephone
14 number given in the recorded message shall, during normal office hours, be
15 answered promptly and personally by an agent of the person or organization
16 on whose behalf the automatic calls are made, who is able to provide
17 information concerning the automatic calls;
- 18 (c) The automated calling equipment terminates its connection with any
19 telephone call within ten (10) seconds after the person called either fails to
20 consent to hear a recorded message or hangs up the telephone;
- 21 (d) The use does not involve either the random or sequential dialing of telephone
22 numbers, does not call telephone numbers which are omitted from the
23 telephone directory at the customer's request, and does not call hospitals,
24 nursing homes, fire protection agencies, or law enforcement agencies;
- 25 (e) Calls using the automated calling equipment are made only between 8:00 a.m.
26 and 9:00 p.m.; and
- 27 (f) The automated calling equipment operates only when it is attended and is

1 designed or installed so that it does not operate without an attendant, even in
2 the event of power failures.

3 (3) Nothing in this section prohibits the use of automated calling equipment to make
4 calls with recorded messages or an artificial voice when the calls:

5 (a) Are made in response to calls initiated by the person to whom the automatic
6 call or recorded message is directed;

7 (b) Concern goods or services, or the availability of same which were previously
8 ordered or purchased;

9 (c) Relate to collection of lawful debts;

10 (d) Are made by a public school as part of a program to regulate and control
11 absenteeism of students;~~[-or]~~

12 (e) Are reminders and notices of meetings and activities of organizations of
13 which the person called is a member or a subscribed consumer of the services
14 of the organization, or are made to a person with whom there is an existing
15 business relationship; or

16 (f) Are made to a publicly available telephone number which the business
17 intends to be called by customers or potential customers, in relation to
18 subject matter that is customary for such calls, including but not limited to
19 inquiring about and booking reservations, inquiring about or initiating
20 purchases, seeking information such as hours of operation, directions,
21 merchandise availability, or other information provided to, or sought by,
22 customers in the ordinary course of business.