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**TITLE 11 CONSUMER PROTECTION DIVISION OF
THE OFFICE OF THE ATTORNEY GENERAL**

Proposed Rule
LSA Document #02-18

DIGEST

Adds 11 IAC 2-2-5 concerning information provided to consumers added to the telephone privacy list. Amends 11 IAC 2-5-1, 11 IAC 2-5-2, and 11 IAC 2-5-3 by obligating the division to remove certain numbers from the telephone privacy list. Adds 11 IAC 2-5-4 providing for annual purging of the telephone privacy list. Effective 30 days after filing with the secretary of state.

11 IAC 2-2-5

11 IAC 2-5-3

11 IAC 2-5-1

11 IAC 2-5-4

11 IAC 2-5-2

SECTION 1. 11 IAC 2-2, AS ADDED AT 25 IR 1856, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

11 IAC 2-2-5 Information provided to consumers added to the telephone privacy list

Authority: IC 4-6-9-8; IC 24-4.7-3-7

Affected: IC 24-4.7-3-1; IC 24-4.7-3-2; IC 24-4.7-4

Sec. 5. Utilizing mail, e-mail, or other appropriate methods, the division shall communicate to consumers whose residential telephone numbers have been added to the telephone privacy list:

(1) that the residential telephone number has been added to the telephone privacy list;

(2) general information about the telephone privacy act; and

(3) procedures for changing or removing their residential telephone numbers from the telephone privacy list.

(Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-2-5)

SECTION 2. 11 IAC 2-5-1, AS ADDED AT 25 IR 1857, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

11 IAC 2-5-1 Division's authority to purge nonresidential telephone numbers

Authority: IC 4-6-9-8; IC 24-4.7-3-7

Affected: IC 24-4.7-3-1; IC 24-4.7-3-2

Sec. 1. The division ~~may~~ **shall** purge or ~~may~~ **shall** direct the agent with which it has contracted pursuant to IC 24-4.7-3-2 to purge from the telephone privacy list any number that **it learns** is not a residential telephone number. **The division shall remove the relevant telephone number from the telephone privacy list according to the same schedule used for adding residential telephone numbers to the telephone privacy list.** *(Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-5-1; filed Jan 18, 2002, 5:00 p.m.: 25 IR 1857)*

SECTION 3. 11 IAC 2-5-2, AS ADDED AT 25 IR 1857, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

11 IAC 2-5-2 Division's authority to purge telephone numbers no longer assigned to consumer

Authority: IC 4-6-9-8; IC 24-4.7-3-7

Affected: IC 24-4.7-3-1; IC 24-4.7-3-2

Sec. 2. The division ~~may~~ **shall** purge or ~~may~~ **shall** direct the agent with which it has contracted pursuant to IC 24-4.7-

3-2 to purge from the telephone privacy list a residential telephone number if the division learns that the number is no longer assigned to the consumer who registered the number. **The division shall remove the relevant telephone number from the telephone privacy list according to the same schedule used for adding residential telephone numbers to the telephone privacy list.** *(Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-5-2; filed Jan 18, 2002, 5:00 p.m.: 25 IR 1857)*

SECTION 4. 11 IAC 2-5-3, AS ADDED AT 25 IR 1857, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

11 IAC 2-5-3 Purging registered telephone number upon consumer's revocation notice

Authority: IC 4-6-9-8; IC 24-4.7-3-7

Affected: IC 24-4.7-3-1; IC 24-4.7-3-2

Sec. 3. The division shall purge or shall direct the agent with which it has contracted pursuant to IC 24-4.7-3-2 to purge a residential telephone number of a consumer who submits the revocation notice described in 11 IAC 2-2-4. Upon receiving such revocation notice, the division ~~will~~ **shall** remove the relevant telephone number from the telephone privacy list according to the same schedule used for adding residential telephone numbers to the telephone privacy list. *(Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-5-3; filed Jan 18, 2002, 5:00 p.m.: 25 IR 1857)*

SECTION 5. 11 IAC 2-5, AS ADDED AT 25 IR 1857, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

11 IAC 2-5-4 Annual purging of the telephone privacy list

Authority: IC 4-6-9-8; IC 24-4.7-3-7

Affected: IC 24-4.7-3-1; IC 24-4.7-3-2

Sec. 4. Annually the division shall use reasonable efforts to identify and remove the following from the telephone privacy list:

(1) Telephone numbers disconnected since the date of initial registration.

(2) Any telephone number no longer assigned to a consumer who has registered the number with the telephone privacy list.

(Consumer Protection Division of the Office of the Attorney General; 11 IAC 2-5-4)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on April 22, 2002 at 11:15 a.m., at the Indiana Government Center-South, 402 West Washington Street, Fifth Floor, Office of the Attorney General's Conference Room, Indianapolis, Indiana the Consumer Protection Division of the Office of the Attorney General will hold a public hearing on proposed amendments relating to procedures to ensure and maintain the accuracy of the telephone privacy list. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Fifth Floor and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Brent Embrey
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Consumer Protection Division of the Office of the Attorney General