

### **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 or an artificial voice 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;
  - (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; or
  - (f) Are made to a publicly available telephone number which the business intends to be called by customers or potential customers, in relation to subject matter

that is customary for such calls, including but not limited to inquiring about and booking reservations, inquiring about or initiating purchases, seeking information such as hours of operation, directions, merchandise availability, or other information provided to, or sought by, customers in the ordinary course of business. A person or company making calls under this paragraph shall not sell the name or personal information of any individual using its services. The person or company shall only disseminate the name and personal information of the individual for whom it is making the call during the actual call and only to the extent that such information would be disclosed by the individual if he or she were making the call on his or her own behalf.

**Effective:** July 15, 2020

**History:** Amended 2020 Ky. Acts ch. 71, sec. 1, effective July 15, 2020. -- Created 1992 Ky. Acts ch. 32, sec. 1, effective July 14, 1992.