

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6802**

**BILL NUMBER: HB 1373**

**NOTE PREPARED:** Dec 26, 2005

**BILL AMENDED:**

**SUBJECT:** Do Not Call Cell Phone List.

**FIRST AUTHOR:** Rep. Bauer

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:**    **GENERAL**  
                          **X DEDICATED**  
                          **FEDERAL**

**IMPACT:** State

**Summary of Legislation:** This bill expands the "do not call" registry to include cellular and mobile telephone numbers.

**Effective Date:** July 1, 2006.

**Explanation of State Expenditures:** Including cellular and mobile telephone numbers as being eligible for subscription to the state's Telephone Privacy List will likely increase the number of list subscribers. While additional subscribers will increase the cost of administering the list, rulemaking provisions in current law allow the Consumer Protection Division of the Attorney General's Office (AG) to set the annual fee telemarketers are charged for the list to an amount sufficient to meet the cost of providing the list to telemarketers.

Program costs associated with the program are paid from the dedicated Consumer Protection Division Telephone Solicitation Fund. (See *Explanation of State Revenues*, below.) In FY 2005, more than \$943,000 was expended by the AG in maintaining and promoting the Telephone Privacy List. For FY 2006, the AG reports a projected budget of approximately \$764,000.

***Background Information:*** P.L. 189-2001 established the Telephone Privacy List maintained by the AG. As of June 30, 2005, the AG reported that approximately 1.65 million residential phone lines are registered for the list, an amount equivalent to 63% of the state's total number of residential lines. In December 2004, the Federal Communications Commission reported more than 3.1 million wireless users in Indiana. Under this bill, these phone lines could become eligible for the Telephone Privacy List.

**Explanation of State Revenues:** Funding for the Telephone Privacy List program comes solely from a \$750 annual subscription fee that telemarketers who are requesting the list are charged and from civil penalties assessed against persons that violate the state's telephone solicitation laws. Under current law, the AG has rulemaking authority to set the annual fee charged telemarketers for the Telephone Privacy List at a level equal to the cost of maintaining the list. Expanding the list to include cellular and mobile numbers is likely to increase the AG's costs, thereby requiring an increase in the telemarketer's annual subscription fee. Revenue from the fee is deposited in the dedicated Consumer Protection Division Telephone Solicitation Fund. In FY 2005, the fee for a copy of the list and penalties generated \$430,173. If the Telephone Solicitation Fund exceeds \$200,000 at the end of a fiscal year, the excess is transferred to the General Fund.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:** Attorney General's Office.

**Local Agencies Affected:**

**Information Sources:** Attorney General's FY 2005 Report on the Telephone Privacy List to the Regulatory Flexibility Committee; Indiana Auditor of State *Revenue Trial Balance*; Local Telephone Competition: Status as of December 31, 2004, Federal Communication Commission, [www.fcc.gov/wcb/iatd/comp.html](http://www.fcc.gov/wcb/iatd/comp.html).

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