

## **FHH Telecom Law**

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#### **Shillers: Do-Not-Call Update**

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The FCC has updated its rules on the national do-not-call registry and other telemarketing controls.

These rules stem from the 1991 Telephone Consumer Protection Act passed to address the then-growing problem of telephone marketing calls and telemarketing practices Congress found to be an invasion of privacy. The statute authorized the FCC to establish and operate the do-not-call registry, a national database of residential telephone subscribers who object to receiving telephone solicitations. It also restricts the use of automatic telephone dialing systems, artificial or prerecorded voice messages, and unsolicited ads by fax.

The registry went into effect on October 1, 2003, with enforcement coordinated between the FCC and the FTC. The registry is nationwide in scope, includes all telemarketers (with the exception of certain non-profit organizations), and covers interstate and intrastate telemarketing calls. The rules supersede all less restrictive state do-not-call rules, although in principle states may adopt more restrictive laws as to intrastate calls. Previous FCC actions also restricted the use of predictive dialers (which call a consumer automatically whether or not an agent is ready to talk), specified that telemarketers cannot block caller ID, and tightened the rules on unsolicited faxes.

The new order clarifies that calls made for the purpose of debt collection need not identify the caller's state-registered name in prerecorded messages if doing so would conflict with federal or state laws. The FCC also stated that a notice printed on the bill satisfies a carrier's obligation to provide annual notice of the opportunity to sign up for the do-not-call registry. Clearing up a conflict between two rules, the FCC explained that a company may not communicate by telephone even with an existing customer who has made a company-specific do-not-call request.

Consumers can join the do-not-call registry by calling toll-free 1-888-382-1222 or by registering at [www.donotcall.gov](http://www.donotcall.gov).