

DO NOT CALL REGISTER ACT

What, How, When proceeds



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But first...What is DNC?



The National Do Not Call Registry gives you a choice about whether to receive telemarketing calls at home. Most telemarketers should not call your number once it has been on the registry for 31 days.



You can register your phone numbers for free (Visit **donotcall.gov** to register your number), and they will remain on the list until you remove them or discontinue service.

The Do-Not-Call registry **does not** prevent all unwanted calls. It does not cover the following:

- ✔ Calls **from organizations** with which you have established a business relationship.
- ✔ Calls for which you have given prior **written permission**.
- ✔ Calls which are **not commercial** or do not include **unsolicited advertisements**.
- ✔ Calls by or on behalf of tax-exempt **non-profit organizations**.

Remember: many states now have statewide do-not-call lists for residents. Contact your state's public service commission or consumer protection office to see if your state has such a list, and to find out how to register your number or numbers. For contact information for your state public service commission, go to: www.naruc.org/Commissions

What can you do to stop unwanted calls?



1- Be sure your number is on the **Do Not Call Registry**.



2- **Hang up on illegal sales calls**. If your number is on the Registry, and you get a sales call, or you get an **illegal robocall**₂, don't interact in any way. Don't press buttons to be taken off the call list or to talk to a live person. Doing so will probably lead to more unwanted calls. Instead, hang up and file a complaint with the FTC₁.



3- Investigate whether **call blocking** can help.

Filing a Complaint with FCC

If you receive a telephone solicitation₄ that you think violates any of the law or FCC₃ rules, you can file a complaint with the FCC₃.

The FCC₃ can issue warning citations and impose fines against companies violating or suspected of violating the do-not-call rules, but is not authorized to award individual damages.

You have multiple options for filing a complaint with the FCC:

File a complaint online



By phone:
1-888-CALL-FCC
(1-888-225-5322);
TTY: 1-888-TELL-FCC
(1-888-835-5322);
ASL Videophone:
1-844-432-2275



By mail (please include your name, address, contact information and as much detail about your complaint as possible):

Federal Communications Commission:
Consumer and Governmental Affairs Bureau,
Consumer Inquiries and Complaints Division
445 12th Street, S.W.
Washington, DC 20554



You will need to furnish in your complaint the name of the company calling and/or telephone number of the company that called and the date of the call. Without the information, possible violations cannot be investigated.

Filing a Complaint with FCC, keep in mind!



For the FCC₃ to process your complaint you must either fill in the electronic form completely or otherwise indicate:

- Your name and address;
- The home phone number where you received the solicitation;
- Identification of the individual or company whose products or services were being advertised or sold, and any
- Phone numbers included in the call;
- A description of the call;
- Any phone number provided to allow you to “opt-out” of future calls;
- Whether you or anyone else in your household gave the caller express prior permission to call;
- Whether you have an EBR with the caller (specifically, whether you or anyone else in your household made any purchases of property, goods, or services from the company that called, or made any inquiry or filed an application with the company prior to receiving the call).

Enforcement and Penalties

There are three ways that violations of the national do not call list may be enforced. The rules may be enforced by the federal government, state governments, or by private rights of action.

Federal Enforcement:

Either the FCC₃ or the FTC₁ can enforce violations of the national do not call list.

The TCFAPA₅ makes clear that violations of the FTC's rules related to the national do not call list are to be considered unfair and deceptive trade practices under the Federal Trade Commission Act.

This gives the FTC₁ the power to fine companies up to \$16,000 for violations of the regulations. Violators may also be subject to nationwide injunctions against violations of the do not call list. According to testimony given by the FTC₁ before the Senate Subcommittee on Consumer Protection, Product Safety, and Insurance in 2013, the agency had collected civil penalties exceeding \$126 million, and had extracted \$741 million in redress and disgorgement over the course of 105 enforcement actions for violations of the FTC's telemarketing sales rule.



Enforcement and Penalties

Actions by States:

Under the TCFAPA₅, state attorneys general may bring civil actions on behalf of the residents of their individual states against telemarketers that they believe to be violating any of the rules promulgated by the FTC₁ under the act, including the national do not call list.

The lawsuits may result in orders to enjoin future violations, monetary damages, restitution, or other compensation on behalf of the residents of the state, and any other relief that a reviewing court deems appropriate.

Under the TCPA₆, state attorneys general may bring civil suits on behalf of residents of their state against telemarketers that have engaged in a pattern of calls in violation of the rules promulgated under the TCPA₆. The state may recover actual monetary losses or \$500 in damages, whichever is greater, for each violation. If the court finds that the telemarketer committed knowing or willful violations of the regulations, the court may



Enforcement and Penalties

Private Rights of Action

Both the TCPA₆ and TCFAPA₅ grant a private right of action to people who have been adversely affected by violations of the rules promulgated under either law.

Under the TCFAPA₅, persons injured may bring a lawsuit in federal court within three years after the discovery of a violation of the act if the amount in controversy exceeds \$50,000 in actual damages for each person affected by the alleged violations.

Consequences of such a lawsuit could include an order enjoining the telemarketer against future violations, monetary damages, or any other relief that the court may deem appropriate. Considering that the amount in controversy must exceed \$50,000 per person affected by any alleged violation, it would likely be rare that citizens who have experienced violations of the national do not call list would be able to sue pursuant to this private right of action



Glossary

- 1- FTC: Federal Trade Commission, more at www.ftc.gov
- 2- Robocall: is a phone call that uses a computerized autodialer to deliver a pre-recorded message, as if from a robot
- 3- FCC: Federal Communications Commission, more at www.fcc.gov
- 4- Telephone Solicitation: a telephone solicitation, is a telephone call that acts as an advertisement.
- 5- TCFAPA: Telemarketing and Consumer Fraud and Abuse Prevention Act
- 6- TCPA: Telephone Consumer Protection Act



Sources

Telemarketing Regulation: National and State Do Not Call Registries, Kathleen Ann Ruane Legislative Attorney .

Federal Communications Commission, www.fcc.gov

Federal Trade Commission, <https://www.ftc.gov>

National Do Not Call Registry, <https://www.donotcall.gov>



complaint

