



TELECOMMUNICATIONS

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FCC Adopts Rules to Stop Some Unwanted Telemarketing “Robocalls”

The [Telephone Consumer Protection Act](#) (“TCPA”) placed limits on unsolicited prerecorded telemarketing calls to home landlines, and all robocalls to wireless numbers, emergency numbers, and patient rooms at health care facilities. On February 15, the [FCC](#) adopted more rules to protect consumers from pre-recorded telemarketing calls (“[robocalls](#)”) or text messages.

The FCC’s new rules are meant to work in conjunction with the FTC’s existing rules against these telemarketing messages and will:

- require telemarketers to get prior written consent (which may be electronic) from consumers before placing a robocall to a consumer;
- eliminate the “established business relationship” exemption to the previous requirement that telemarketing robocalls to personal residence wireline phones occur only with prior consent from the consumer;
- require telemarketers to provide an automated interactive “opt-out” option during the call that consumers can immediately tell telemarketers to stop calling;

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- limit the number of “dead air” calls¹ that telemarketers can make.

However, the new rules will not limit or prohibit informational pre-recorded calls from schools or airlines. In addition, the rules do not prohibit robocalls from politicians or charitable organizations.

The FCC’s new rules do not eliminate the old rules, they only add to them. Under already existing rules individuals can [register](#) their phone numbers on the national Do-Not-Call list, which was supposed to prohibit telemarketers from calling unless you have given your prior permission to call, they are exempt from the rules. However, under the new rules even if the calling business has a prior business relationship with the individual they are calling, the business is not allowed to call the individual without prior written consent that can now be revoked even during the call.

Many people are disappointed that these new rules will not stop political calls and fear that political organizations may actually be able to access the do-not-call registry to obtain additional phone numbers to call. However, the FCC and FTC still recommend putting your phone numbers on the registry if you do not want telemarketing calls.

In addition to the registry, consumers are encouraged to [file a complaint](#) with the FCC if you believe that a telemarketer has violated the robocall rules. The complaint system helps the FCC investigate and stop offending telemarketers.

To read the FCC’s full Order click [here](#).

We welcome your thoughts, please feel free to comment at our interactive [blog](#)!

If you have questions about any of these issues, or if we may be of assistance to you on any other matter, please feel free to [contact us](#).

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¹ A telemarketer places a dead air call by using an automatic dialer to call a consumer for the purpose of logging the time of day a consumer answers their phone in order to determine what time to have a live telemarketer call the consumer back.

Technology Law Group LLC (TLG) (www.tlgdc.com) is a Washington, DC-based law firm specializing in telecommunications transactional, litigation issues and regulatory issues. TLG's Managing Partner, Neil S. Ende, may be reached by phone at +1 202 895 1707 and by email at nende@tlgdc.com.

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