



C.A.R.
LEGAL
TOOLS

TELEMARKETING & ROBO CALLS

TELEMARKETING REGULATIONS

- The Federal Communications Commission (“FCC”) rules*
- The Federal Trade Commission (“FTC”) rules*
- California Business & Professions Code Sections 17590-17594*
- California Public Utilities Code Sections 2871-2876*



PROCEDURE TO FOLLOW



- You have a **written policy**, available upon demand, for maintaining a do-not-call list.
- You **train** all engaged in telemarketing on the existence and use of the do-not-call list.
- You **provide the identity** of the name, telephone number and address of the person or entity on whose behalf the call is being made.
- You **record/maintain** requests not to be called on a company-specific do-not-call list within 30 days of request. Such list must be maintained and honored for 5 years.

SPECIAL PROHIBITIONS

- Call only during **reasonable hours**: no calls before 8 a.m. or after 9 p.m. (local time at the called party's location).
- Do not disconnect an unanswered call prior to **at least 15 seconds or four rings** (excluding wireless phones).
- No **deceptive and abusive** telemarketing acts or practices.
- No calling those on the **Do-Not-Call list!**



DO-NOT-CALL EXCEPTIONS

Calls Okay If:

- Written Permission*
- Established Business Relationship*
- Personal Relationship*
- Tax-Exempt Nonprofit Organizations*



Exceptions DO NOT apply if the recipient has requested not to be called!

DO-NOT-CALL SAFE HARBOR

*Make a mistake and call someone on the Do-Not-Call list?
Forgiven if:*

- Procedures followed (see prior slides).*
- You maintain and record a list of telephone numbers that may not be contacted.*
- You have a documented process to prevent calls to those on do-not-call list (use an official version of the national do-not-call registry obtained no more than 31 days prior to the date any call is made).*

USE OF NATIONAL DO-NOT-CALL DATABASE

- The Do-Not-Call database may not be used for any purpose other than compliance with state and federal law*
- The cost of accessing the Do-Not-Call database may not be shared with other companies*
- The National Do Not Call Registry List can be obtained here: <https://telemarketing.donotcall.gov/>*



ROBO CALLS (AUTOMATED CALLS)

- No robocalls without express written consent*
- Robocalls must be made between 9 a.m. and 9 p.m.*
- Robocalls must be introduced by a live person*
- Person called must give consent to hear recorded message*



ADDITIONAL RESOURCES



QUICK GUIDE: [Do Not Call Rules – Telemarketing & Robocalls](#)

Visit the Legal Tools page on car.org to view all of the Legal Tools content:
on.car.org/carlegaltools