

# Consumer News

Federal Communications Commission • 1919 M Street NW • Washington DC

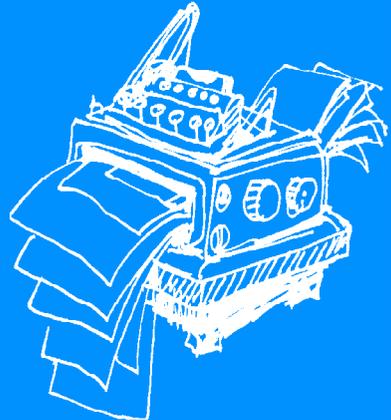
## What You Can Do About Unsolicited



### Telephone Marketing Calls



### Faxes

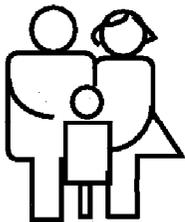


## **This is in response to your contact with the Federal Communications Commission.**

Tired of receiving unwanted unsolicited telephone marketing calls and unsolicited advertisements on your fax machine?

This brochure tells you about actions you can take to reduce the number of unsolicited calls and faxes.

You will also learn about your rights under the Telephone Consumer Protection Act and the FCC's rules.



***Thank you for your interest.***

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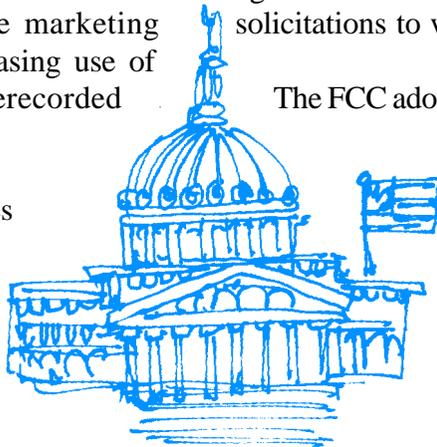
# The Telephone Consumer Protection Act (TCPA) And The FCC's Rules

The TCPA is a federal law that was enacted on December 20, 1991 to address consumer concerns about the growing volume of unsolicited telephone marketing calls and the increasing use of automated and prerecorded telephone calls.

The TCPA imposes restrictions on the use of automatic telephone dialing systems (these systems are also called autodialers), artificial or prerecorded voice messages, and telephone facsimile (fax) machines to send unsolicited advertisements.

The TCPA also directed the FCC to adopt regulations to protect residential telephone subscribers' privacy rights to avoid receiving telephone solicitations to which they object.

The FCC adopted rules and regulations, effective December 20, 1992, implementing the TCPA. Different rules and regulations apply to calls placed to homes and calls placed to businesses. These rules and regulations do not apply to unsolicited messages sent via E-Mail or the Internet.



## Terms You Should Know

### Automatic Telephone Dialing System and Autodialer

The terms *automatic telephone dialing system* and *autodialer* mean equipment which has the capacity to store or produce telephone numbers to be called using a random or sequential number generator and to dial such numbers.

### Established Business Relationship

You have an *established business relationship* with a person or entity if you have made an inquiry, application, purchase or transaction regarding products or services offered by such person or entity. You may end this relationship by telling the caller that you do not want them to place any more solicitation calls to your home.

### Telephone Facsimile (Fax) Machine

The term *telephone facsimile machine* means equipment which has the capacity to transcribe text or images, or both, from paper into an electronic signal and to transmit that signal over a regular telephone line, or to transcribe text or images (or both) from an electronic signal received over a regular telephone line onto paper.

## Telephone Solicitation



The term *telephone solicitation* means the initiation of a telephone call or message for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, which is transmitted to any person. The term **does not** include a call or message:

- to any person with that person's prior express invitation or permission;
- to any person with whom the caller has an established business relationship; or
- by or on behalf of a tax-exempt nonprofit organization.

## Unsolicited Advertisement

The term *unsolicited advertisement* means any material advertising the commercial availability or quality of any property, goods or services which is transmitted to any person without that person's prior express invitation or permission.

# How To Reduce The Number Of Telephone Solicitation Calls Placed To Your Home

## The FCC's Do-Not-Call Rules

The FCC's Do-Not-Call Rules require a person or entity placing live telephone solicitations to your [home](#) to maintain a record of your request not to receive future telephone solicitations from that person or entity.

You can avoid future “live” telephone solicitation calls to your home telephone number by clearly stating when you receive such calls that you want to be added to the caller's do-not-call list and do not want to receive any further solicitations from that person or entity.

The person or entity making the call must keep a record of your do-not-call request for ten years from the

time of your request and may not make further telephone solicitations to your home. Tax-exempt nonprofit organizations are not required to keep do-not-call lists.

Your do-not-call request should stop all calls from the person or entity placing the call. It should also stop calls from affiliated entities where, due to the identification of the caller and the product being advertised, you would reasonably expect that the request applies to affiliated entities.

Your do-not-call request applies only to the person or entity placing the call.

## Remember

**Each time you receive a call from a different person or entity you must request that person or entity not to call you again.**



The DMA commercially publishes and markets lists of consumers who do not wish to receive solicitation calls. Your name can be added to DMA's lists by sending your name, telephone number (including the area code) and address (including the zip code) to:

The FCC's do-not-call rules **do not** apply to calls placed to business telephone numbers. However, your state may have laws that require do-not-call lists for calls placed to business numbers.

### Telephone Preference Service Direct Marketing Association

You can reduce the number of telephone solicitation calls placed to your home by contacting the Telephone Preference Service of the Direct Marketing Association (DMA).

**Telephone Preference Service  
Direct Marketing Association  
P.O. Box 9014  
Farmingdale, New York  
11735-9014**

Questions about the DMA's registration program should be addressed to the DMA at this address.

Registration with the DMA should reduce the number of unsolicited calls placed to your home, but may not stop all unwanted calls.

## Unsolicited Calls Placed To Unlisted, Non-Listed Or Non-Published Numbers

You may wonder why you continue to receive unsolicited telephone calls even though you have an unlisted, non-listed, or non-published telephone number.

### Unlisted, Non-listed and Non-published numbers

**These types of numbers are not listed in telephone directories.**

**Unlisted or non-listed numbers can be obtained from a directory assistance operator.**

**Non-published numbers cannot be obtained from a directory assistance operator.**

### Here are some ways solicitors can get your number:

Entities you have done business with may include your name, address, and telephone number on a list that is sold to other organizations or businesses. Buyers of these lists may call you to market their goods and services.

Sales organizations sometimes call all numbers in numerical order for a neighborhood or telephone exchange. The party placing these calls generally does not know the name of the person called, or whether the number is listed, unlisted, non-listed, or non-published.

# Solicitor Identification And Time-of-Day Calling Restrictions

## Solicitor Identification

The FCC's rules require persons or entities making a telephone solicitation to your home to provide the following information:

- the name of the individual caller;
- the name of the person or entity on whose behalf the call is being made; and
- a telephone number or address at which that person or entity may be contacted.

Also, any person, business, or entity using an autodialer to transmit an artificial (computerized) voice or prerecorded voice message -- in-

cluding such calls placed to business numbers -- must clearly state its identity at the beginning of the message, and its telephone number or address during or after the message. The telephone number provided cannot be the number of the autodialer or prerecorded message player which placed the call, and cannot be a 900 number or any other number for which charges exceed local or long distance transmission charges.

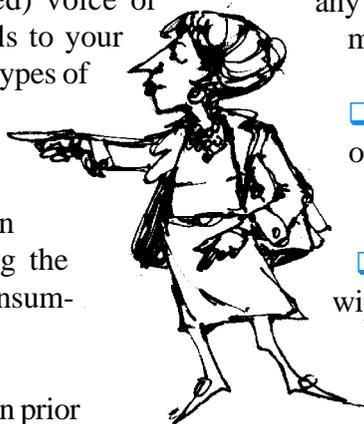
## Time-of-Day Calling Restrictions For Calls Placed To Your Home

The FCC's rules prohibit telephone solicitations before 8 am or after 9 pm (local time at your home).

## Artificial Or Prerecorded Voice Calls

The FCC's rules prohibit artificial (computerized) voice or prerecorded voice calls to your home. The following types of calls **are permitted**:

- ❑ emergency calls (calls made necessary in any situation affecting the health and safety of consumers);
- ❑ when you have given prior express consent to such calls;
- ❑ non-commercial calls (for example, calls from charitable entities, polling organizations, political or government agencies);



- ❑ calls which do not include any unsolicited advertisements;
- ❑ calls by or on behalf of tax-exempt nonprofit organizations; or
- ❑ calls from entities with whom you have an established business relationship.

The FCC's rules **do not** prohibit placing artificial and prerecorded voice message telephone calls to business numbers.

## Autodialed, Artificial Or Prerecorded Voice Calls Placed To Emergency, Cellular Telephone And Pager Numbers

The FCC's rules prohibit the use of autodialers, artificial or pre-recorded voice messages to call numbers assigned to:

- ❑ any emergency telephone line, including any 911 line and any emergency line of a hospital, medical physician or service office, health care facility, poison control center, or fire protection or law enforcement agency;
- ❑ the telephone line of any guest or patient room of a hospital, health care facility, elderly home or similar establishment;

- ❑ any telephone number assigned to a paging service, cellular telephone service, or other radio common carrier services; or

- ❑ services for which you -- as the person being called -- would be charged for the call.

### Types of permitted calls:

- ✓ **emergency calls.**

- ✓ when you have given **prior consent** to such calls.

- ✓ **prerecorded messages sent by cellular service providers to their subscribers** --for example to “roamers” leaving the service area -- if subscribers are not charged for the call.

## Autodialed And Prerecorded Voice Calls Cannot Tie Up Your Phone Lines

The FCC's rules require that any prerecorded message call made using an autodialer must release your telephone line within five seconds of the notice by a telephone network signal to the caller that you have hung up.

In some areas of the country it may take up to 25 seconds for this telephone network signal to reach the caller. Picking up the telephone receiver before this signal reaches the caller may cause some recorded messages to continue playing.



Your local telephone company can tell you if calls in your area immediately disconnect when you hang up on a prerecorded message call, or how long you must wait before picking up your telephone receiver.

### Multi-line Businesses

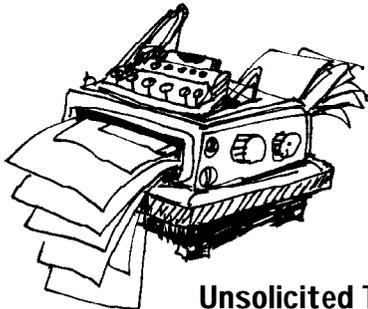
The FCC's rules prohibit the use of autodialers in a way that simultaneously engages -- or ties up -- two or more lines of a multi-line business.

# Fax Messages

## Unsolicited Advertisements Sent To Home and Business Fax Machines

The FCC's rules prohibit the transmission of unsolicited advertisements to fax machines.

No person may transmit an advertisement describing the commercial availability or quality of any property, goods, or services to your fax machine without your prior express permission or invitation.



## Established Business Relationship and Faxes

You have an established business relationship with a person or entity if you have made an inquiry, application, purchase or transaction regarding products or services offered by such person or entity.

If you have an established business relationship with the person or entity sending the message, an invitation or permission to receive unsolicited fax advertisements is presumed to exist.

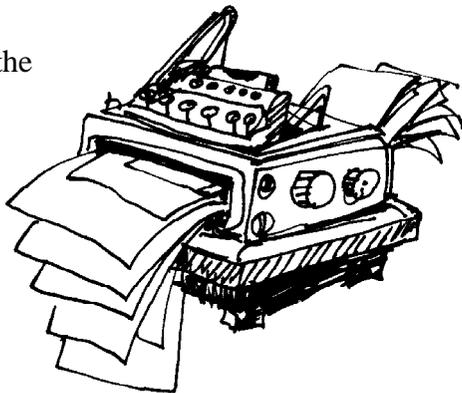
You can end this relationship by telling the person or entity that you do not want them to send any more unsolicited advertisements to your fax machine.

## Identification Required On Fax Messages

The FCC's rules require that any message sent to a fax machine must clearly mark on the first page or on each page of the message:

- the date and time the transmission is sent;
- the identity of the sender; and
- the telephone number of the sender or of the sending fax machine.

All fax machines manufactured on or after December 20, 1992 and all facsimile modem boards manufactured on or after December 13, 1995 must have the capability to clearly mark such identifying information on the first page or on each page of the transmission.



## Actions You Can Take

If you receive the following types of calls or faxes:

✓ a **“live” telephone solicitation call** at your home from a person or entity -- or on behalf of a person or entity -- on two or more occasions within a 12 month period after the time you requested to be added to their do-not-call list;

✓ an **artificial or prerecorded voice call** at your home in violation of the FCC's rules;

✓ an **unsolicited advertisement** on your fax machine; or

✓ **autodialed calls** that simultaneously engage two or more multi-line business lines.

Here are some actions you can take:

- Ask the solicitor to stop calling your telephone number or sending unsolicited fax advertisements. You can use the telephone number or address provided by the solicitor to request this action.
- Find out if your state permits you to file suit to stop solicitation calls or faxes and/or file suit for damages or actual monetary loss. The penalty is generally \$500 in damages or actual monetary losses (whichever is greater).
- Contact state and federal offices.

## Contact Your State Offices

The following state offices may be able to help you in filing suit:

- your local or state consumer protection office; and
- your state Attorney General's office.

You should be able to obtain telephone numbers for these offices from the government section of your telephone directory or from directory assistance.

### State Civil Actions

States can initiate a civil action in federal district court against any person or entity that engages in a pattern or practice of violations of the TCPA or the FCC's rules.

You should contact your local or state consumer protection office to determine whether or not your state has initiated civil actions.



# Contact Federal Offices

## Contact the FCC

The FCC cannot award monetary or other damages, except under very limited circumstances. However, you may send a typed or legibly printed letter regarding suspected violations of the TCPA or the FCC's rules to:

**Federal Communications Commission  
Common Carrier Bureau  
Consumer Complaints  
Mail Stop 1600A2  
Washington, D.C. 20554**

Your letter should include the information in the following checklist:

✓ Your name, address and a day-time telephone number.

✓ The action you are requesting, such as requesting a person or business to:

- ◆ stop calling your home telephone number;
- ◆ add your name to their do-not-call list;
- ◆ stop sending unsolicited advertisements to your fax machine; or
- ◆ stop placing autodialed calls that simultaneously engage two or more of your company's multi-line business telephone lines.

✓ The date you requested to be added to the organization's do-not-

## Contact Federal Offices

call list, and the name of the individual you spoke with.

✓ The home or business telephone number the solicitor called.

✓ The name, address and telephone number of the organization placing calls.

✓ The dates and times you received calls or fax messages from the organization.

✓ The telephone number of the fax machine to which unsolicited advertisements were sent.

✓ Copies of any unsolicited advertisements sent to your fax machine.

✓ Whether or not you have filed suit in state court, including the state where any such suit was filed.



# Contact Federal Offices

## Contact the Federal Trade Commission

If you believe you are the victim of **false or deceptive telephone solicitation sales practices**, you should send your complaint to:

**Federal Trade Commission  
Consumer Response Center  
Drop H285  
6th Street and  
Pennsylvania Avenue, N.W.  
Washington, D.C. 20580**



You can also write to the Federal Trade Commission at the following address to request information about its **Telemarketing Sales Rule** which protects consumers from deceptive and abusive telemarketing practices:

**Federal Trade Commission  
Public Reference Branch  
Drop H240, 6th Street and  
Pennsylvania Avenue, N.W.  
Washington, D.C. 20580**

Information about the FTC's Telemarketing Sales Rule is also available on the Internet at the following World Wide Web Site:  
<http://www.ftc.gov>

## You May Need To Contact Other Federal And State Offices

### Federal Bureau of Investigation and State Attorney General's Office

Fraudulent telephone solicitation practices complaints should be directed to the Federal Bureau of Investigation (FBI) or your state Attorney General's office.

You should be able to obtain telephone numbers for these offices from the government section of your telephone directory or from directory assistance.

### United States Postal Service Chief Postal Inspector

Complaints regarding information or products received through the United States Postal Service in connection with fraudulent telephone solicitation practices should be addressed to:

**Mail Fraud  
Chief Postal Inspector  
475 L'Enfant Plaza, S.W.  
Washington, D.C. 20260-2181**

## Consumer Notes About Unsolicited Telephone Calls

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### Type of Call

- Recorded message call.
- Call from a "live" caller.
- Other

### The Call Was Placed to my:

- Home telephone number  
Area Code ( ) \_\_\_\_\_
- Business telephone number  
Area Code ( ) \_\_\_\_\_
- Personal pager number  
Area Code ( ) \_\_\_\_\_
- Business pager number  
Area Code ( ) \_\_\_\_\_
- Cellular telephone number  
Area Code ( ) \_\_\_\_\_

### Information About the Call

Name of Caller

\_\_\_\_\_  
\_\_\_\_\_

Address

\_\_\_\_\_  
\_\_\_\_\_

Telephone number

Area Code ( ) \_\_\_\_\_

Date of call

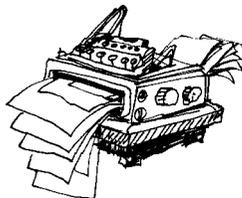
\_\_\_\_\_

Time of call

\_\_\_\_\_

Date I requested to be added to the  
caller's do-not-call list \_\_\_\_\_

# Consumer Notes About Unsolicited Advertisements Sent to a Fax Machine



The unsolicited advertisement was received at the following fax number:

## Identification of the Fax Sender:

Name \_\_\_\_\_  
\_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone number of the sender or the sending fax machine (Area Code) \_\_\_\_\_

Date I asked the sender to stop sending unsolicited advertisements to my fax machine \_\_\_\_\_

**Home Fax Number**

Area Code ( ) \_\_\_\_\_  
Date received \_\_\_\_\_  
Time received \_\_\_\_\_

**Business Fax Number**

Area Code ( ) \_\_\_\_\_  
Date received \_\_\_\_\_  
Time received \_\_\_\_\_

## Remember

You should keep a copy of the unsolicited fax advertisement as evidence of receipt.



**Remember**  
**Get the Facts and**  
**Take Notes**



## For Consumer Information On Telephone-Related Issues Call These FCC Numbers:

**National Call Center** toll-free at 1-888-CALL FCC (1-888-225-5322). Consumers in some states can reach this toll-free number now. Consumers in all states should be able to reach this number by mid-1997.

**Office of Public Affairs**, Public Service Division, at (202) 418-0200.

**Consumer Hotline** of the Enforcement Division, Common Carrier Bureau, at (202) 632-7553.

**Telecommunications Device for the Deaf (TTY)** toll-free at 1-888-TELL-FCC (1-888-835-5322).

## **Browse and Download** **our consumer information on** **telephone-related issues from the** **World Wide Web.**

Our consumer information on telephone-related issues is available from the Common Carrier Bureau's home page at:

<http://www.fcc.gov/ccb/>

Select the Consumer Resources Fact Sheets option.

Federal Communications Commission  
Consumer Protection Branch  
Common Carrier Bureau  
Mail Stop 1600A2  
Washington, DC 20554