

Robocalls

FCC Consumer Facts

Background

The Telephone Consumer Protection Act (“TCPA”) places limits on unsolicited prerecorded telemarketing calls to landline home telephones, and all autodialed or prerecorded calls to wireless numbers, emergency numbers, and patient rooms at health care facilities. These calls are known as “robocalls.” **The FCC recently took steps to further restrict robocalls with new rules that will go into effect after they are approved by the Office of Management and Budget (approval will be announced in the Federal Register). This Consumer Guide describes how the FCC’s rules will change, those rules that will continue unchanged that also provide consumer protections, and how you can best avoid unwanted telephone calls.**

The New Rules For Robocalls

When the FCC’s new rules go into effect, they will impose clearer requirements for how a business must obtain your consent before it may make a telemarketing call or send a telemarketing text message to you. The new rules will require that you first give your written consent to receive such calls or messages, on paper or through electronic means, including website forms, a telephone keypress, or a recording of your oral consent.

Another change is that telemarketers will no longer be able to make telemarketing robocalls or send texts to you based solely on an “established business relationship” with you. You may establish such a relationship when you contact a business to ask questions or purchase something from a business.

The new rules will also require telemarketers to allow you to opt out of receiving additional telemarketing robocalls immediately during a robocall through an automated menu. This new requirement means that you will not have to hang up and make a separate call in order to stop further telemarketing robocalls.

Continuing Robocall Consumer Protections

There is no change to the prior consent requirement for robocalls and texts that are not telemarketing.

Continuing Robocall Consumer Protections (con’t)

These include messages regarding school closings or those containing flight information. You do not have to give your consent for these calls to your landline home phone. However, your oral or written consent is still required for these types of calls or texts made to your wireless number.

What Can You Do to Protect Yourself?

Under the TCPA, the FCC, along with the Federal Trade Commission (FTC), established a national Do-Not-Call list. Placing your home or personal wireless number on the list prohibits telemarketers from calling, unless you have given them your prior expressed permission to call, they are exempt from the rules, or they have an established business relationship with you (an exception that will be changed by the new rules). To register a number, go to www.donotcall.gov.

Complaint Procedures

If you think there has been a violation of the robocalls rules, you can file a complaint with the FCC at https://esupport.fcc.gov/ccmsforms/form1088.action?form_type=1088C. While the FCC cannot award monetary or other damages to consumers, filing complaints allows the Commission to investigate violators. However, in some states you are allowed to file suits against telemarketers and receive monetary damages for violations of these rules.

(More)



For More Information

- News Release (www.fcc.gov/document/fcc-strengthens-consumer-protections-against-telemarketing-robocalls)
- Chairman Statement (http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-12-21A2.pdf)
- McDowell Statement (http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-12-21A3.pdf)
- Clyburn Statement (http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-12-21A4.pdf)

For more information about the FCC's rules protecting you from unwanted calls and faxes, see the FCC consumer guide at www.fcc.gov/guides/unwanted-telephone-marketing-calls. For information about other communications issues, visit the FCC's Consumer and Governmental Affairs Bureau website at www.fcc.gov/consumer-governmental-affairs-bureau, or contact the FCC's Consumer Center by calling 1-888-CALL-FCC (1-888-225-5322) voice or 1-888-TELL-FCC (1-888-835-5322) TTY; faxing 1-866-418-0232; or writing to:

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

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