



# FEDERAL TRADE COMMISSION BANS ROBOCALLS

by Texas Attorney General Greg Abbott

PRERECORDED TELEMARKETING CALLS FOR expiring car warranties, lower credit card rates and other solicitations have now been officially prohibited by the Federal Trade Commission (FTC).

Effective Sept. 1, solicitors who use prerecorded commercial telemarketing calls – commonly known as robocalls – face penalties of up to \$16,000 per call unless the telemarketer obtained written permission from call recipients in advance. The new requirement for written authorization is part of amendments to the FTC’s Telemarketing Sales Rule (TSR).

Telephone calls delivering purely informational recorded messages, such as airline flight cancellations or school district messages, are not prohibited. Since these calls do not attempt to interest recipients in the sale of any goods or services, they are not covered by the TSR.

Other types of calls are not covered

by the TSR. For example, calls from financial institutions, political candidates, telephone carriers and most charitable organizations are not prohibited. Similarly, the new rules do not apply to health care messages or debt collection calls as long as the caller is not trying to sell something.

Telemarketing robocall messages by businesses covered by the TSR must tell call recipients how to opt-out of future calls at the start of the message, and provide an automated opt-out mechanism that is voice or keypress-activated. Prerecorded messages left on answering machines also must provide a toll-free number that connects to this automated opt-out mechanism.

Texans who receive prerecorded telemarketing calls but have not agreed to get them should file a complaint with the FTC at [www.donotcall.gov](http://www.donotcall.gov) or by calling (888) 382-1222. Recipients may also file a complaint with the

Office of the Attorney General online at [www.texasattorneygeneral.gov](http://www.texasattorneygeneral.gov) or by calling (800) 252-8011.

Earlier this year, the Office of the Attorney General charged three telemarketing firms with participating in an unlawful scheme to sell car warranty service contracts. The companies harassed countless Texans with deceptive and abusive telemarketing calls.

According to state investigators, the firms’ nationwide telephone solicitation scheme violated multiple state and federal telemarketing laws. In addition to falsely marketing the contracts as extended warranties, the telemarketing companies used falsified telephone numbers to falsify their identities. As a result, recipients’ Caller ID devices displayed fake numbers when they received calls from the defendants. The state’s enforcement action remains pending.

## POINTS TO REMEMBER



## ROBOCALLS NOW ILLEGAL

- Prerecorded commercial telemarketing calls officially prohibited.
- Telemarketer must obtain written consumer permission to make robocalls.
- Telemarketer faces penalties up to \$16,000 per call made without authorization.

Texans who receive prerecorded telemarketing calls but have not agreed to get them should file a complaint:

### Federal Trade Commission

[www.donotcall.gov](http://www.donotcall.gov)  
(888) 382-1222

### Better Business Bureau

[www.bbb.org](http://www.bbb.org)

### Office of the Attorney General

[www.texasattorneygeneral.gov](http://www.texasattorneygeneral.gov)  
(800) 252-8011



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