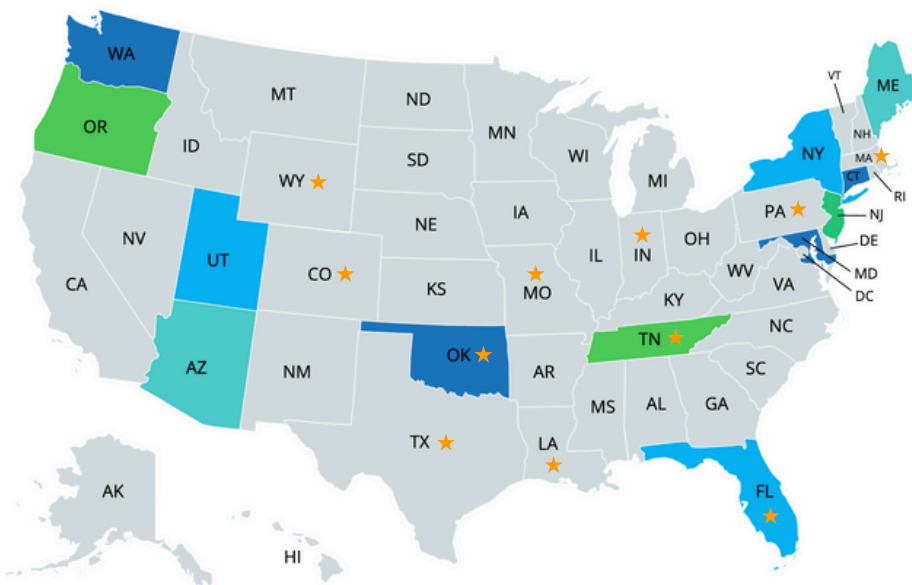


State-by-State TCPA and Do Not Call Restrictions

The TCPA does not preempt state laws. Is your business legally calling consumers in any of these states?



Arizona

House Bill 2498

Updates amend the state's existing "do not call" law to prohibit sellers and solicitors, in the absence of consent, employment agreement, or a personal relationship from transmitting text message solicitations to telephone numbers on the National Do Not Call Registry. The state attorney general is empowered to investigate and fine alleged violators up to \$1,000 per violation.

Florida

House Bill 761

The bill, signed in June 2023, amends the Florida Telemarketing Solicitation Act and the definition of an autodialer, restricts the prohibition on telephonic sales calls that use an automated system to specifically include unsolicited calls using automated systems for the selection and dialing of phone numbers or playing of a recorded message, clarifies disclosure, and modifies the definition of "prior express written consent."

Maryland

House Bill 31/Senate Bill 90

In May 2023, Maryland's Governor signed the Stop the Spam Calls Act of 2023. The law, effective January 1, 2024, prohibits placing telephone solicitations using a prerecorded voice or automated system for the selection or dialing of telephone numbers without prior express written consent. It also places limits on the time and frequency of telemarketing and text messages and requires the calling party to transmit its telephone number and name to any caller ID service.

New York

Senate Bill A4456

Updating New York's Do Not Call laws and effective February 15, 2023, this bill increases the penalty for violators of the law regulating telemarketing (Section 399-z) from \$11,000 to up to \$20,000 per violation. Additionally, it limits the time that telemarketers may legally call consumers and requires the telemarketer to provide the name, person on whose behalf the solicitation is being made, option to automatically be added to the seller's do not call list, notification of whether the call is being recorded, purpose of the call, and the identity of the goods or services for which a fee will be charged.

Oregon

House Bill 2498

Revises portions of Oregon's Do Not Call laws, provides that a person who knows or consciously avoids knowing that another person is engaging in an act or practice that violates laws that regulate telephone solicitations or use of automatic dialing and announcing devices and nonetheless provides substantial assistance or support for violation is liable for loss and subject to a penalty of the same extent as the person that engaged in violation.

Utah

House Bill 217

Modifies the definition of "telephone solicitation" in Utah's Telephone Facsimile Solicitation Act, expanding the definition to include "a telephone solicitation made to encourage a person to sell real or personal property to the solicitor." The bill also prohibits telephone solicitations made to cell phones without prior consent.

Connecticut

Senate Bill 1058

Expands Connecticut's telemarketing statutes prohibiting telemarketers from making a telephonic sales call to a consumer without the consumer's prior express written consent. Previously, the law only prohibited making telephonic sales calls if the calls were unsolicited, automatically dialed, and recorded. This new bill requires those making a telephonic sales call to disclose, within the first 10 seconds of the call, the (1) caller's identity, (2) the purpose of the call, and (3) the entity for which the person is making the call.

Maine

Legislative Document 2234

Evolving from the Act to Impede Robocalling initiated in June 2023, the new rule aims to make amendments to the law related to telephone solicitations requiring a telephone solicitor to use the Federal Communication Commission's (FCC) Reassigned Numbers Database to verify consumer telephone numbers have not been reassigned prior to initiating telephone sales calls to consumers. This rule will take effect on July 16, 2024.

New Jersey

Senate Bill 921

New legislation states that a telemarketer making a sales call must, within the first 30 seconds of the call, accurately identify the telemarketer's name, the name and telephone number of the person on whose behalf the call is being made, and the purpose of the call. A telemarketer will also be required to disclose the mailing address of the telemarketer, and any company on whose behalf the company is telemarketing, on any website owned or operated by the telemarketer, and on any subsequent written communication to a customer.

Oklahoma

Telephone Solicitation Act of 2022

Expands the definition of "autodialer" and removes established business relationship (EBR) and inquiry defenses from callers, extends calling limitation to landlines (limiting outreach attempts to three per 24 hours,) and contains a private right of action for consumers with penalties ranging from \$500 to \$1,500 per call or text message.

Tennessee

Senate Bill 868

This bill extends the prohibitions, requirements, and penalties that apply to telephone solicitations to text message solicitations.

Washington

House Bill 1497

Revises portions of Washington's new telemarketing laws (including the definition of "telephone solicitation" and the reach of a do not call request), imposing new obligations on callers requesting a donation or gift, and tightening requirements for callers to identify themselves.

★ State Do Not Call Lists

These eleven states maintain their own Do Not Call lists that your organization must take into account in addition to the National Do Not Call list: *Colorado, Florida, Indiana, Louisiana, Massachusetts, Missouri, Oklahoma, Pennsylvania, Texas, Tennessee, Wyoming.*