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The Telemarketing Sales Rule

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The Federal Trade Commission's Telemarketing Sales Rule (TSR) puts you in charge of the number of telemarketing calls you get at home. The TSR established the National Do Not Call Registry, which makes it easier and more efficient for you to reduce the number of unwanted telemarketing sales calls you get.

How can I put my number on the National Do Not Call Registry?

You may register online at donotcall.gov, if you have a working email address, or by phone, by calling toll-free 1-888-382-1222 (TTY: 1-866-290-4236) from the number you wish to register. Registration is free.

How does registration work?

If you register by phone, you must call from the number you want to register. If you register online, you must provide an email address for confirmation. The system will send you a confirmation email. To complete your registration, click on the link in the email within 72 hours after you get it. You can expect fewer calls within 31 days of the date you sign up for the registry. The phone number that you register is the only identifying information that is provided to telemarketers and other companies that use the registry.

How does the National Do Not Call Registry work?

The law requires telemarketers to search the registry every 31 days and avoid calling any phone number on the registry. If you receive telemarketing calls after your telephone number has been in the registry for 31 days, you can file a complaint at donotcall.gov or by calling toll-free 1-888-382-1222 (TTY: 1-866-290-4236). You need to know the date of the call and the company's name or phone number to file a do not call complaint. A telemarketer who disregards the National Do Not Call Registry could be fined up to \$40,000 for each call.

Telephone numbers are removed from the registry when they are disconnected and reassigned, or when you choose to remove a number.

When did the National Do Not Call Registry take effect?

The Federal Trade Commission, the Federal Communications Commission and the states began enforcing the National Do Not Call Registry on October 1, 2003.

Does the National Do Not Call Registry cover all telemarketing calls?

Placing your number on the National Do Not Call Registry will stop most telemarketing calls, but not all. Calls from or on behalf of political organizations, charities and telephone surveyors are permitted.

If you have an established relationship with a business, it can call you for up to 18 months after your last purchase, payment or delivery — even if your number is on the National Do Not Call Registry. If you make an inquiry or submit an application to a company, it can call you for three months afterward. Carefully read any questionnaires or surveys you submit, because they may be an attempt to establish a business relationship. Also be careful to read anything you sign, such as sweepstakes forms or requests for "free" products; they may be attempts to get your written permission for future calls.

If you place your number on the national registry, you can give written permission for a company to call you. Alternately, if you have an established business relationship, you can ask the company not to call you. The company must honor your request, even if you previously gave written permission.

If you don't put your number on the national registry, you can prohibit individual telemarketers from calling by asking each to put you on their company's do not call list. You should keep a record of the date you make the request.

Although callers who ask for charitable contributions do not have to search the national registry, a for-profit telemarketer calling on behalf of a charitable organization must honor your request not to receive calls on behalf of that charity.

Are there other protections against unwanted telemarketing calls?

The TSR prohibits deceptive and abusive telemarketing acts and practices. It establishes standards of conduct for telemarketing calls:

- Telemarketers can't call you before 8 a.m. or after 9 p.m.
- Telemarketers must promptly tell you the identity of the seller or charitable organization and that the call is a sales call or a charitable solicitation.
- Telemarketers must disclose all material information about the goods or services they are offering and the terms of the sale. They are prohibited from lying about any terms of their offer.

The TSR also:

Restricts the ways telemarketers get paid

It's illegal for a telemarketer to:

- Ask you to pay with a cash-to-cash money transfer — like those from MoneyGram and Western Union
- Ask you to pay by giving the PIN from a cash reload card like MoneyPak and Vanilla Reload
- Ask for your bank account information to create a type of check that you never see or sign. Those checks are called “remotely created payment orders.”

If a telemarketer asks you to use one of these payment methods, he's breaking the law.

If a telemarketer you haven't done business with calls to ask for your bank account number for any purpose, say “No” and hang up.

Restricts unauthorized billing

Before they submit your billing information for payment, telemarketers must get your express informed consent to be charged — and to charge a specific account. If a telemarketer has your account information before the call — known as “preacquired account telemarketing” — and offers you goods or services on a free trial basis before charging you automatically, the telemarketer must:

- get your permission to use a particular account number,
- ask you to confirm your desire to approve a charge by giving the telemarketer at least the last four digits of the account number, and
- create an audio recording of the entire phone transaction.

Reduces abandoned calls

Telemarketers are required to connect their call to a sales representative within two seconds of the consumer's greeting. This will reduce the number of “dead air” or hang-up calls you get from telemarketers. These calls happen when telemarketers use automatic dialing equipment that reaches many numbers and staff aren't available to answer all the calls. When that happens, a recorded message must play to let you know who's calling and the number they're calling from. The law prohibits a recorded sales pitch in a cold call. To give you time to answer the phone, the telemarketer may not hang up on an unanswered call before 15 seconds or four rings.

Requires caller ID transmission

Telemarketers must transmit their telephone number and, if possible, their name, to your caller ID service. This protects your privacy, increases accountability on the telemarketer's part and helps in law enforcement efforts.

Reins in Robocalling

Most businesses need your written permission before they can call you with prerecorded telemarketing messages, or “robocalls.” A business has to make it clear it's asking to call you with robocalls. It can't require you to agree to the robocalls in order to get any goods or services. If you agree, you have the right to change your mind.

Businesses using robocalls have to tell you at the beginning of the message how you can prevent future calls. They must provide an automated opt-out you can activate by voice or keypress throughout the call. If the message could be left on your voicemail or answering machine, businesses must provide a toll-free number at the beginning of the message that will connect to an automated opt-out system you can use any time.

Permits some prerecorded messages

Some prerecorded messages are permitted under these rules. For example, purely informational messages — to say your flight was cancelled, remind you of an appointment or tell you that school is opening late — are allowed as long as the business doesn't use the call to promote the sale of any goods or services.

Political calls, calls from certain healthcare providers and messages from a business contacting you to collect a debt also are permitted. So are prerecorded messages from banks, telephone carriers and charities.

The Federal Trade Commission manages the National Do Not Call Registry, which gives consumers a choice about getting telemarketing calls at home. To register a number, log on to donotcall.gov, or call toll-free, 1-888-382-1222 (TTY: 1-866-290-4236).

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