

“Do Not Call” Registries

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Issue

Provide an overview of the state and federal “Do Not Call” registries. This report updates OLR Report [2020-R-0182](#).

Summary

Both [federal](#) and [state](#) law establish “Do Not Call” registries.

Under federal law, commercial telemarketers generally may not make telemarketing calls to phone numbers on the national Do Not Call Registry, unless an exception applies. The law covers most types of telemarketing calls to consumers, including calls to offer goods and services, sweepstakes and prize promotions, and investment opportunities. Additionally, under federal regulations, if a consumer asks a telemarketer not to call, the telemarketer must place the consumer on the soliciting company’s internal do not call list.

Following changes in the 2023 session, Connecticut now has a telemarketing law that is

Related 2023 Legislation

In addition to amending the state’s Do Not Call registry law, PA 23-98, § 13 (codified at CGS §§ 42-284 & 288a), also created several broadly applicable rules for telemarketers.

If a telemarketing call is permissible under the Do Not Call list law, the new law requires telemarketers to identify themselves and the purpose of the call. The telemarketer must also ask the consumer if they wish to continue with the call, and if they do not, the telemarketer must end the call. If a consumer informs the telemarketer during the call that they do not want further calls, the telemarketer must stop calling the consumer at any number associated with them. If that occurs, telemarketers may not provide the consumer’s contact information to any other entity.

Further, even if the consumer’s telephone number is not on the state’s current “no sales solicitation calls” list, the telemarketer still needs prior written consent from the consumer to contact them, with limited exceptions.

Details on these provisions are available in the [Public Act Summary](#).

more reflective of modern telemarketing practices than federal law. The Department of Consumer Protection (DCP) is responsible for enforcing state law.

Federal Law

The Telephone Consumer Protection Act of 1991 ([P.L. 102-243](#)) authorizes the Federal Trade Commission (FTC) to establish and operate a national database of telephone numbers belonging to subscribers who object to receiving telephone solicitations. Initial regulations required telemarketing companies to maintain their own [specific do not call lists](#). But in 2003, the FTC amended the [rule](#) and created the universal Do Not Call list. The “Do-Not-Call Implementation Act of 2003” ([P.L. 108-10](#)), among other things, granted the FTC the authority to collect fines from telemarketers in violation of Do Not Call registry regulations.

Telemarketing includes any 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. [Exceptions apply](#) to entities such as political organizations, polling businesses, charities, and telemarketers with an existing business relationship with the consumer they are calling. Among other telemarketing-related requirements, federal rules require telemarketers to search the National Do Not Call Registry [every 31 days](#) for newly added numbers.

The FTC’s website notes that the Do Not Call list cannot stop calls from companies, including scammers, who ignore the registry. Telemarketers that call numbers on the Do Not Call list [can be fined](#) up to \$50,120 per call and are subject to injunctive remedies. Individuals may also sue violators for awards of \$500-1,500 per call.

For an in-depth description of the Do Not Call list, see this [2016 Congressional Research Service report](#), titled “*Telemarketing Regulation: National and State Do Not Call Registries*.” The FTC also provides an extensive [Q&A for telemarketers](#) on its website.

State Law

Connecticut has a telemarketing law that is stronger than federal law. It authorizes DCP to penalize violators ([CGS § 42-284 et seq.](#), as amended by [PA 23-98](#), §§ 8-14 & 25). Connecticut consumers seeking to register their phone number on the state registry are directed to the federal registration website. By law, DCP maintains a no sales solicitation calls listing that is identical to the national Do Not Call list. It is available to telephone solicitors and other persons upon request.

Telemarketing in Connecticut includes communication methods other than telephone calls. People who use radio, television, and printed advertisement with requests to contact a seller are

telemarketing if the solicitation does not contain the price or a description of the goods or services. Entities that use automated dialing systems, recorded message devices, text messages, and similar technologies are also considered telemarketers.

State law considers an exchange between a telemarketer and a consumer to have taken place in Connecticut if the telemarketer is a resident of or a business registered in the state, the consumer is a resident, or the telemarketer contacted the consumer using a Connecticut telephone number.

Similar to federal law, Connecticut's prohibition on making calls to numbers in the registry has exceptions. Exceptions include the following types of calls or messages:

1. those made to respond to a request or inquiry from a consumer who resides in the state, including a call or message about an item the consumer bought from the telemarketer during the previous 12-month period;
2. those made by a nonprofit organization to a consumer who is a state resident listed as a bona fide or active member of the organization;
3. those limited to polling, soliciting votes, or expressing an idea or opinion;
4. those made as part of a business-to-business contact;
5. those made to a consumer who resides in the state who granted prior express written consent to receiving a call or message;
6. those sent primarily in connection with an existing debt or contract that has not been completely paid or performed;
7. those sent to the telemarketer's existing customer unless the customer informed the solicitor, orally or in writing, that he or she does not wish to receive calls or messages from the solicitor; and
8. those sent for a religious, charitable, political, or other noncommercial purpose.

Telemarketers in violation of state or federal Do Not Call list laws can be pursued under the Connecticut Unfair Trade Practices Act (CUTPA), which prohibits businesses from engaging in unfair and deceptive acts or practices ([CGS § 42-110a et seq.](#), as amended by [PA 23-98](#), § 1).

CUTPA allows the consumer protection commissioner to issue regulations defining what constitutes an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than \$10,000, enter into consent agreements, ask the attorney general to seek injunctive relief, and accept voluntary statements of compliance. It also allows individuals to sue. Courts may issue restraining orders; award actual and punitive damages, costs, and

reasonable attorney's fees; and impose civil penalties of up to \$5,000 for willful violations and \$25,000 for violation of a restraining order. In addition to penalties under CUTPA, the state and federal telemarketing laws are enforceable with fines of up to \$20,000 per call.

[DCP's website](#) has additional information, including the complaint procedure.

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