

## “Do Not Call” Registries

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### Issue

Provide an overview of the state and federal “Do Not Call” registries. This report does not address state or federal regulation of robocalls or spoofing.

### Summary

Both [federal](#) and [state](#) laws establish "Do Not Call" registries. Under federal law, commercial telemarketers generally may not make telemarketing calls to landline or cell 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 law, 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.

Connecticut has a telemarketing law that generally mirrors federal law and makes the Department of Consumer Protection (DCP) responsible for enforcement. According to the [National Conference of State Legislatures](#), many states integrated their registries and laws with the national one, but since the federal law does not preempt state laws, telemarketers must adhere to both.

### Federal Law

No single law creates the National Do Not Call Registry. Congress passed a series of laws granting the Federal Trade Commission (FTC) and the Federal Communications Commission the authority to regulate telemarketing practices and the registry developed over time in response to these laws

(and their implementing regulations). They include the (1) Telephone Consumer Protection Act of 1991 (TCPA) and (2) Do-Not-Call Implementation Act of 2003.

Telemarketing is defined to include any plan, program, or campaign to sell goods or services through interstate phone calls, including sales calls made on behalf of third party sellers. Exceptions apply to 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 National Do Not Call Registry cannot stop calls from companies, including scammers, who ignore the registry. But telemarketers who violate federal law are subject to a fine of up to \$43,280 as well as injunctive remedies. Individuals may also sue violators for awards of \$500-1,500 per call.

For an in-depth description of the National Do Not Call Registry, 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 mirrors federal law and enables DCP to penalize violators ([CGS § 42-284 et seq.](#)). According to DCP, Connecticut consumers seeking to register their phone number on the state registry are directed to the federal registration website. DCP has access to the National Do Not Call Registry and can provide information on Connecticut registrants to telemarketers seeking to comply with the state's telemarketing law.

Similar to federal law, Connecticut's prohibition on making calls to numbers in the registry has exceptions. These exceptions include calls made:

1. with the consumer's prior express written permission or in response to a consumer's visit to a seller's establishment;
2. by a tax-exempt nonprofit organization;
3. primarily in connection with an existing debt or contract that has not been paid or performed; or
4. to an existing customer, unless the customer has informed the solicitor that he or she no longer wishes to receive the solicitor's calls.

Telemarketers in violation of state law 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.](#)). 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's telemarketing law is enforceable with fines of up to \$20,000 per call. (According to DCP, it infrequently receives a consumer telemarketing-related complaint that is within its enforcement jurisdiction.)

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

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