

The Law and You The National Do Not Call Registry

In January 2002, the Federal Trade Commission (“FTC”) announced a proposal to create a centralized national “Do Not Call Registry.” The Registry was and is intended to enable consumers to eliminate most telemarketing calls simply by making one call to the FTC.

In June 2003, the FTC first opened the Do Not Call Registry for Utah and other western states. By July 7, 2003, the Registry was open for the entire country. And on October 1, 2003, the FTC and the Federal Communications Commission (“FCC”) began enforcing the Do Not Call Registry.

After one year, in June 2004, the Registry held more than 62 million telephone numbers. That’s evidence of a successful consumer program.

The State of Utah also enacted a law prohibiting a person from making an “unsolicited telephone call within Utah to a telephone number contained in the no-call database established under Section 13-25a-109 of the Utah Code.” That section refers to Utah telephone numbers that are contained in the National Do Not Call Registry.

So, there are both federal and state laws against unsolicited telephone calls made to a number contained in the Do Not

Call Registry.

The Do Not Call Registry makes it easier and more efficient for consumers to stop getting telemarketing calls they don’t want. Consumers can register in two ways: online at “www.donotcall.gov” or by calling the toll-free number: 1-888-382-1222. Make sure when using the Internet that you enter “.gov” and not “.com” since the “.com” will take you to a commercial site and not the FTC’s site.

Registration with the Do Not Call Registry is free. So, avoid any scam artists that ask you to pay a fee to register your telephone number. It’s free.

To make sure that my numbers were still being protected, I recently called to verify that they are still in the Registry. I also went online to verify. To my delight, my numbers were still in the Registry! And, the Registry provided me with the month and year that I registered them; otherwise, I would never remember.

When you call the Registry, you can add, delete or verify your telephone number, provided that you are calling from the number that you are adding, deleting or verifying.

You can also add or verify your number online and you can do it for multiple telephone numbers at one time.

However, you can't delete your number online. You must call from the number you want to delete.

Although rumors have in the past been distributed through e-mails that the FTC was going to release cell phone numbers to telemarketers, those rumors were and are false. And according to the FTC, you don't have to register your cell phone number with the Do Not Call Registry. I did it for mine just to be on the safe side.

Initially, the Registry was intended to drop registered numbers after five years. However, Congress passed the Do-Not-Call Improvement Act of 2007, which became law in February 2008, thereby now making the numbers in the Registry permanent.

The Registry now (2008) contains more than 157 million phone numbers. Of interest, disconnected numbers and numbers that are reassigned to other customers are purged each month from the Registry.

Also of interest, telemarketers must generally pay a fee to access the Registry. Certain exempt organizations have access to all data in the Registry at no charge. The annual fees telemarketers will pay to access the Registry in fiscal year 2009 will be \$54 for each area code of data accessed or \$14,850 for access to all area codes in the Registry, whichever is less.

Finally, if you believe that a telemarketer has violated the Do Not Call

Registry, you may file a complaint either by calling the Registry telephone number or by doing it online. More information is available online.

You can also bring a civil action against a telemarketer who violates Utah's laws or you can report the incidents (must be two or more calls from the same telemarketer) to the Utah Division of Consumer Protection in the Department of Commerce.