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National Regulatory Affairs

FTC Grants a 15 Grace Period for Certain Telemarketing Calls Made to Cell Phones.

In an effort to assist companies in complying with do-not-call laws, the Federal Trade Commission (FTC) announced a 15-day grace period for telemarketers to remove landline telephone numbers from their calling lists that were recently ported to wireless phones. The announcement came as a result of concerns from telemarketers about landline phones being switched to wireless without their knowledge. Businesses were concerned because the FTC bans all automated dialer calls—including live and prerecorded calls—made to wireless phones. Stiff penalties of up to \$11,000 per call can be imposed by the FTC for each call made in violation of the act.

Get The Facts Before You Fax!

The Federal Communications Commission (FCC) has postponed the effective date of the new commercial fax regulations eliminating an Established Business Relationship until June 30, 2005. The regulation would have imposed a complete ban on all unsolicited facsimile advertisements effective January 1, 2005.

The FCC extended the effective date of its determination that an EBR would no longer be sufficient to show that an individual or business has given prior express permission to receive unsolicited facsimile advertisements through June 30, 2005. The FCC also extended the effective date of an amended rule through June 30, 2005, which requires a person or entity to obtain a signed, written statement as evidence of a fax recipient's permission.

SUPREME COURT DENIES APPEAL

Last week, the U.S. Supreme Court issued a decision standing a lower-court ruling that telemarketers' rights to free speech are not violated by the government's do-not-call registry. The justices rejected an appeal by the American Teleservices Association against the lower-court ruling without comment. The lower court ruling upheld the program, in which consumers can put their phone numbers on a list if they do not want to be called by telemarketers. Go to wwwDMNews.com for more information on this breaking story.