

# Federal Telephone Solicitation Guidelines

## INTRODUCTORY NOTE:

All state requirements pertaining to telephone and fax solicitations should be read in conjunction with the Federal requirements. State requirements must be followed when they are more restrictive than the Federal requirements. **Therefore, in some instances it is necessary to comply with both Federal and State law. Please check your state's laws and regulations.**

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The Federal Communications Commission (FCC) has promulgated the following summarized rules to implement the Telephone Consumer Protection Act of 1991. **These summarized rules, unlike the Federal Trade Commission (FTC) rules, apply to insurance companies and financial institutions.**

## DEFINITIONS

**ABANDONED CALL:** A call is an "abandoned call" if it is not connected to a live sales representative within 2 seconds of the called person's completed greeting.

**ADAD:** An "ADAD" is equipment which has the capacity to store or produce telephone numbers to be called using a random or sequential number generator to dial telephone numbers.

**ESTABLISHED BUSINESS RELATIONSHIP:** "Established Business Relationship" is:

- a. a prior or existing relationship formed by a voluntary two-way communication between a person or entity and a residential subscriber;
- b. on the basis of the subscriber's transaction with the entity within the 18 months preceding the date of the call; or inquiry or application regarding products or services offered by the entity within the 3 months preceding the date of the call; and
- c. a relationship that has not been previously terminated by either party.

**FAX BROADCASTER:** A "fax broadcaster" is a person or entity transmitting messages to telephone facsimile machines on behalf of another person or entity for a fee.

**PERSONAL RELATIONSHIP:** A "personal relationship" means any family member, friend, or acquaintance of the telemarketer making the call.

**SELLER:** A "seller" is a person or entity on whose behalf a telephone call or message is initiated for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services.

**TELEMARKETER:** A "telemarketer" is a person or entity initiating a telephone call or message for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services.

**TELEMARKETING:** "Telemarketing" is the initiation of a telephone call or message for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services.

**TELEPHONE SOLICITATION:** "Telephone solicitation" is the initiation of a telephone call or message to encourage the purchase or rental of, or investment in, property, goods, or services. "Telephone Solicitation" does not include a call or message to a person with that person's prior express invitation or