



## THE COLORADO AND NATIONAL NO-CALL LISTS

by Kristen Johnson

Colorado established a telemarketing No-Call list for residential telephone customers in 2001. Residents who do not want to receive telephone sales calls may add their home phone, wireless phone, and fax number to the No-Call list for the purpose of notifying telemarketers that sales calls are not welcome. At the national level, the Federal Trade Commission maintains the National Do Not Call Registry, which makes it illegal for most telemarketers to call the telephone numbers that have been placed on the list.

Recently, the Federal Trade Commission stopped accepting No-Call information from the states. Therefore, Colorado consumers who wish to ensure they are included on a no-call list should register their telephone numbers with Colorado's No-Call list *and* with the Federal Trade Commission's National Do Not Call Registry. This issue brief provides information concerning Colorado's No-Call list and the National Do Not Call Registry.

### Colorado's No-Call Law

Colorado created its No-Call list in 2001 through the passage of House Bill 01-1405. Businesses that make home, wireless, or fax telephone number solicitations to Colorado residents must register and pay an annual fee to the Public Utilities Commission.

**Registration.** Colorado residents can add their wireless phone, home phone, and fax number to Colorado's No-Call list at no cost by calling toll free, 1-800-309-7041, or online at:

[www.coloradonocall.com](http://www.coloradonocall.com).

**Enforcement.** Under Colorado law, businesses that contact home, wireless, or fax telephone numbers registered with the No-Call list may be violating the Colorado Consumer Protection Act. By law, no state enforcement action may be brought against a person or entity if they make fewer than three calls per month to any number that is on the Colorado No-Call list.

Complaints under the No-Call Law may be filed with the Colorado Public Utilities Commission by calling 1-800-309-7041 or by going to [www.coloradonocall.com](http://www.coloradonocall.com) and clicking on the Complaints link. Complaint information is shared with the Colorado Attorney General's Office or other law enforcement offices for possible enforcement action if there is a demonstrated pattern of statutory violations. Consumers may also seek private remedies, such as small claims court action, under the Colorado Consumer Protection Act, and may recover a minimum of \$500 per violation.

**Exceptions.** Not all telemarketing calls are covered by the law. Consumers may still receive the following types of calls and faxes:

- calls by or on behalf of charitable organizations;
- calls made with the recipient's prior express invitation or permission, or calls by or on behalf of any person or entity with whom the recipient has an established business relationship;
- calls made within 30 days after an individual contacts a business to inquire about the

potential purchase of goods or services, or until a request is made that no further calls be made, whichever occurs first; and

- calls made for the sole purpose of urging support for or opposition to a political candidate or ballot issue, conducting political polls, or soliciting the expression of opinions, ideas, or votes.

## **The National Do Not Call Registry**

The Federal Trade Commission created the National Do Not Call Registry in 2003. The registry accepts both wireless and home phone numbers. As of April 2009, the latest tracking period, more than 157 million numbers had been placed on the National Do Not Call Registry.

**Registration.** Consumers may register their telephone numbers online at [donotcall.gov](http://donotcall.gov), or may call 1-888-382-1222 to register their phone number (TTY 1-866-290-4236). If a consumer registers by phone, he or she must call from the number being registered. Registration is free.

As a result of amendments made to the program through the adoption of the federal Do-Not-Call Improvement Act of 2007, the telephone numbers placed on the National Do Not Call Registry will remain on the list permanently. Under the act, the Federal Trade Commission continues to remove telephone numbers that have been disconnected and reassigned to other consumers. Consumers can delete their telephone numbers from the registry at any time by calling 1-888-382-1222 from the telephone number they wish to remove from the list.

**Enforcement.** Telemarketers are required to synchronize their calls lists with the National Do Not Call Registry at least every 31 days. Telemarketers are prohibited from contacting consumers who have

added their phone numbers to the registry. A telemarketer who disregards the National Do Not Call Registry may be fined up to \$16,000 for each call.

If a consumer receives telemarketing calls after registering a telephone number, and the number has been in the registry for 31 days, the consumer can file a complaint at [donotcall.gov](http://donotcall.gov) or by calling toll free 1-888-382-1222. Consumers may also file a complaint, whether or not their phone number is on the registry, if they have received a call that used a recorded message instead of a live person.

**Exceptions.** Although adding a phone number to the National Do Not Call Registry will stop most telemarketing calls, similar to Colorado's law, some types of calls are still allowed.

- Political organizations, charities, and telephone surveyors are still permitted to call.
- Organizations with which a consumer has an established business relationship may call for up to 18 months after the consumer's last purchase, last delivery, or last payment. If a consumer makes an inquiry or submits an application to a company, the company may call for three months. However, a request from the consumer that a company not call invalidates this existing business relationship.

Even if a consumer places a number on the national registry, he or she may give written permission to particular companies, allowing them to call.