



State and Federal Laws Regarding Telemarketing

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This *issue brief* provides information about how to register a number on the Colorado and federal no-call lists; an overview of Colorado's regulation and enforcement of telemarketers; an explanation of which calls are not subject to telemarketing laws; and a summary of federal provisions regarding telemarketing.

State and Federal No-Call Lists

For a Coloradan to ensure that a residential, wireless, or fax number associated with a Colorado zip code is placed on all applicable no-call lists, they must register the number both on the Colorado No-Call List and the federal Do-Not-Call Registry by contacting:

- the Colorado Public Utilities Commission's No-Call List, online at coloradonocall.com or by phone at 303-776-2678 or 800-309-7041; and
- the Federal Trade Commission's National Do-Not-Call Registry, online at donotcall.gov or by phone at 888-382-1222.

As of writing, Colorado's No-Call List contains approximately 4.1 million numbers.

Telemarketer Registration in Colorado

Colorado's No-Call List is managed by the state's Public Utilities Commission (PUC),¹ while the licensing and enforcement of businesses engaging in telemarketing in Colorado or to Coloradans is managed by the state's Attorney General Office.² Telemarketers must register with both agencies.

Colorado No-Call List registration. State law requires that any person or entity soliciting a Colorado resident by phone must register with the PUC through its designated agent, the Data Protection Group. Annual registration fees are based on the number of employees in a telemarketer's firm and range from \$0 to \$500. Colorado's No-Call List is updated quarterly. Telemarketers receive updated lists on January 10, April 10, July 10, and October 10, and must use the updated list within 20 days of receipt.

Attorney General licensing. Businesses engaged in telemarketing that are located in the state or selling to Colorado consumers must be annually registered with the Colorado Attorney General. The initial registration fee is \$200, and the renewal fee is \$100.

Violations and Complaints

No-Call List violations. Complaints regarding telemarketing calls to a number on the No-Call List may be submitted online or by phone using the Colorado No-Call contact information provided above. From 2014 to 2017, the PUC received an average of 4,400 complaints per year.

Violations of the state's No-Call List laws constitute a deceptive trade practice and may be enforced under the Colorado Consumer Protection Act. No state enforcement may be brought against an entity if there are fewer than three complaints per month filed. The PUC provides complaint information to the state Attorney General's Office when there is a demonstrated pattern of statutory violations. Consumers may also pursue private remedies.

¹Section 6-1-901, *et seq.*, C.R.S.; 4 CCR 732-2-2890 to 2894.

²Section 6-1-301, *et seq.*, C.R.S.

Telemarketing violations. Other unlawful telemarketing practices include: failure to register; failure to allow order cancellation or make timely refunds; misrepresentation that a person has won a contest, sweepstakes, or drawing; and misrepresentation of a product costs, among other provisions. Businesses found in violation of the law are subject to civil and criminal penalties.³

The Consumer Protection Section of the Colorado Attorney General's Office maintains a website on all telemarketing-related fraud at:

[stopfraudcolorado.gov/
fraud-center/telemarketing-fraud.html](http://stopfraudcolorado.gov/fraud-center/telemarketing-fraud.html)

Exemptions to "Telemarketing"

Many telephone solicitations are permitted by Colorado law. Calls are permissible from charitable, political advocacy, and polling organizations. Sales calls are permitted where the person at the number has given express invitation or permission, or on behalf of entities with which the person has established a business relationship.⁴

Debt collection. For information or assistance regarding debt collection calls, the Colorado Attorney General's office licenses collection agencies and enforces the Colorado Fair Debt Collection Practices Act through its Collection Agency Regulation section, online [here](#).

Federal Do Not Call List

Federal Trade Commission. In 1994, Congress passed the Telemarketing and Consumer Fraud and Abuse Prevention Act, which directed the Federal Trade Commission (FTC) to promulgate rules prohibiting deceptive and abusive telemarketing acts and practices. The Telemarketing Sales Rule, promulgated by the FTC in accordance with the act, outlines a multitude of deceptive and abusive telemarketing acts and practices, including:

- using threats,

- calling numbers on the federal do-not-call registry, and
- calling a person's residence prior to 8:00 am or after 9:00 pm local time.

The law also allows individuals, along with state attorneys general acting on behalf of their residents, to bring a civil action for suspected violations of the promulgated rules. Additional information can be found on the FTC's website at:

[www.consumer.ftc.gov/articles/
0198-telemarketing-sales-rule](http://www.consumer.ftc.gov/articles/0198-telemarketing-sales-rule)

Federal Communications Commission. In 1991, Congress passed the Telephone Consumer Protection Act, which placed restrictions on telemarketing, robocalling (the use of an automatic dialing system or prerecorded voice), the use of fax machines, and other practices related to telemarketing, and required the Federal Communications Commission (FCC) to adopt rules to implement the law.

Additionally, federal regulations require telemarketers to transmit their telephone number, and, if available, their name to a caller ID. Federal law prohibits the practice of knowingly transmitting inaccurate or misleading information to a person's caller ID system, also known as caller ID spoofing, with the intent to defraud, cause harm, or wrongfully obtain anything of value and establishes penalties for violations of the law. Individuals may report suspected caller ID spoofing to the FCC at:

consumercomplaints.fcc.gov

Recent federal legislation. The Telephone Robocall Abuse Criminal Enforcement and Deterrence (TRACED) Act, S.151, became law December 30, 2019. The bill implements new penalties for violating robocall prohibitions and requires voice service providers to develop call authentication technologies. The FCC is currently conducting rulemaking to implement the bill. The FCC and the Department of Justice must also form an interagency working group to study enforcement issues and make recommendations.

³Section 6-1-305, C.R.S.

⁴Sections 6-16-104 and 6-16-103 (7), C.R.S.