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FEDERAL AND STATE TELEMARKETING LAWS
(Tracking do-not-call list requirements only)
January 30, 2003

	State	Code Section	Do-not-call list		EBR Exemption	Other Important Exemptions	Notes
			Firm	Govt.			
1	FTC	16 C.F.R. § 310.	X	X	X	Banks; common carriers engaged in common carrier activities.	Revised Telemarketing Sales Rule ("TSR") not only establishes national do-not-call ("DNC") list, but also further prohibits unauthorized billing, constrains abandonment of calls, and requires telemarketers to transmit caller ID information. EBR exemption applies to solicitors who have sold goods or services to customer within 18 months of solicitation.
2	FCC	47 C.F.R. §§ 1200, 1201.	X		X		FCC proceeding to amend the Telephone Consumer Protection Act ("TCPA") regulations to, among other things, create national DNC list, is currently ongoing.
3	Alabama	ALA. CODE §§ 8-19a-1 et seq.		X	X	Cable TV operators; financial institutions; newspapers; periodicals; magazines; telephone and utility companies.	
	Alaska	ALASKA STAT. §§ 45.50.471 et seq.	LECs keep list		X	Exempt from telemarketing registration; cable TV operators; financial institutions; newspapers; telephone and utility companies.	LECs are not only required to keep the do-not-call list of residential customers, but also place a "black dot" by their names in the telephone directory if they are on the list. EBR exemption applies to solicitors who have sold to customer within 24 months of solicitation.
	Arkansas	ARK. CODE ANN. §§ 4-95-101 to 4-95-108; 4-99-101 to 4-99-112.		X	X	Financial institutions; newspapers; telephone and utility companies regulated by state PSC.	EBR exemption applies to solicitors who have sold to customer within 36 months of solicitation.
	California	CAL. BUS. & PROF. CODE §§ 17511, 17590, 17591, 17592.		X	X	Cable TV operators; newspapers; magazines; entities regulated by PSC.	DNC list requirements set to go into effect on April 1, 2003.

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7	COLORADO COLO. REV. STAT. §§ 6-1-901 et seq.		X	X		EBR exemption applies to solicitors who have sold to customer within 18 months of solicitation.
8	CONNECTICUT CONN. GEN. STAT. §§ 42-110a, 42-284 to 42-288.		X	X	Telephone companies for directory compiling purposes only.	
9	FLORIDA FLA. STAT. chs. 501.059, 501.601 to 501.626.		X	X	Newspapers.	
10	GEORGIA GA. CODE ANN. §§ 10-5B-3, 10-1-370, 10-1-390, 46-5-27.		X	X		
11	HAWAII HAW. REV. STAT. §§ 445-184, 468-1 to 468-5, 481P-1 to 481P-8.	X			Providers of telecommunications and cable TV operators; financial institutions.	
12	IDAHO IDAHO CODE §§ 48-1001 to 1010.		X	X	Sellers of newspapers, periodicals, books, musicals or video recordings; federally or state licensed entities; isolated transactions with no repeat pattern.	
13	ILLINOIS 30 ILL. COMP. STAT. 105/5.570; 815 ILL. COMP. STAT. 413/1 to 413/25.	X	FTC	X*	Registration exemption for financial institutions and telecommunications companies.	*The Illinois law states that compliance with Section 310.4(b) of the FTC's rules (which includes the EBR exemption) constitutes compliance with Illinois law. An existing customer is one who entered into a transaction with the seller within 18 months of the solicitation or opened a credit/discount/debit account which the customer has not terminated.
14	INDIANA IND. CODE § 24-4.7		X		Newspapers (but only if call is made by volunteer or employee of newspaper).	

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15	Kansas	KAN. STAT. ANN. § 50-670.		DMA	X		Sellers must subscribe to the national do-not-call list maintained by the Direct Marketing Association ("DMA"). EBR exemption applies to solicitors who have sold product to customer within 36 months of solicitation.
16	Kentucky	KY. REV. STAT. ANN. §§ 367.46951 et seq.		X	X	Cable TV operators; newspapers; magazines; periodicals; merchants regulated by PSC; merchants regulated by FCC; publicly traded corporation.	
17	Louisiana	LA. REV. STAT. ANN. §§ 45:821 to 45:830, 45:844.		X	X		EBR includes not only current business relationship, but also a prior relationship that was terminated or lapsed within six months of the phone solicitation.
18	Maine	ME. REV. STAT. ANN. tit. 10, §§ 1498 to 1499; tit. 32, § 14716.		DMA		Sellers with a permanent place of business in Maine	Sellers must obtain, on a semiannual basis, updated national do-not-call list maintained by the DMA.
19	Massachusetts	Mass. GEN. LAWS ch. 159C.		X	X	Persons or telephone companies compiling information for compiling, preparing and/or distributing directories.	EBR exemption applies to solicitors who have sold to customer or maintained an account within 24 months of solicitation.
20	Minnesota	MINN. STAT. § 325E.		X	X		
21	Missouri	MO. REV. STAT. §§ 407.1095 to 407.1110.		X	X	Any entity over which a federal agency has regulatory authority, the entity is required to be licensed by such authority, and the entity is required by law or rule to develop and maintain DNC list.	

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22 Nebraska	NEB. REV. STAT. §§ 86-223 to 86-257.	X		X		EBR means "a prior or existing relationship formed by a voluntary two-way communication between a person and a residential or business telephone subscriber, with or without an exchange of consideration."
23 New York	N.Y. GEN. BUS. LAW § 399-z.		X	X		
24 Oklahoma	OKLA. STAT. tit. 20, § 775B.1		X	X		EBR exemption applies to solicitors who have sold to customer within 24 months of solicitation.
25 Oregon	OR. REV. STAT. §§ 646.551 et seq.		X	X	<u>Cable TV operators</u> ; newspapers; magazines; financial institutions; entity regulated by PUC.	
26 Pennsylvania	PA STAT. ANN. tit. 73, §§ 2242 et seq.		X	X	Any entity over which a federal or PA state agency has regulatory authority, the entity is required to be licensed by such authority, and the entity is acting within the scope of the business for which it is licensed; newspapers, magazines, and periodicals.	EBR exemption applies to solicitors who have sold to customer within 12 months of solicitation.
27 Rhode Island	R.I. CODE R. § 5-61	X		X	<u>Cable TV operators</u> ; person or affiliate whose business is regulated by PUC; financial institutions.	With respect to maintenance of a DNC list, an entity is in compliance with Rhode Island law if it has established a DNC list that complies with either FCC or FTC regulations.

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28	Tennessee TENN. CODE ANN. § 47-18-101 et seq.		X	X		With respect to maintenance of a DNC list, an entity is in compliance with Tennessee law if it has established a DNC list that complies with either FCC or FTC regulations. EBR exemption applies to entities soliciting "existing customers" or to customers with whom the soliciting entity has had a prior relationship within 12 months of solicitation.
29	Texas TEX. BUS. & COM. CODE ANN. § 43.001 et seq.		X	X		
30	Vermont VT. STAT. ANN. tit. 9, § 2464.		DMA	X	Any entity that is otherwise registered or licensed with, or regulated by, the Vermont Secretary of State, Dept. of Service Board, Dept. of Banking, insurance, securities, health care administration, Dept. of Taxes, or financial institution.	EBR is not defined. Sellers must subscribe to the national do-not-call list maintained by the DMA.
31	Wisconsin WIS. STAT. ANN. § 100.20 et seq.		X	X		EBR exemption applies to solicitations of a customer who is a current client of the solicitor.
32	Wyoming WYO. STAT. ANN. § 40-12-301 et seq.		DMA	X		Sellers must subscribe to the national do-not-call list maintained by the DMA.