

Your right to sue

If a company does not comply with your wish not to receive calls—whether by your request to it or because your name is in the registry—you can sue in small claims court, even if the company is not based in the same jurisdiction you live in.

Under the federal Telephone Consumer Protection Act, you can sue telemarketers for your actual monetary loss or up to \$500—whichever is greater—for each call received after you placed your name on the Do Not Call Registry or asked the company not to call. If the court determines that the company knowingly broke the law, the maximum penalty triples to \$1,500.

Rules for telemarketers

Whether or not you add your name to the registry, the federal Telemarketing Sales Rule protects you from deceptive and abusive telemarketing acts and practices and prohibits telemarketing calls at night. Telemarketers must abide by these rules:

- They can only call between 8 a.m. and 9 p.m.
- They must promptly give you the name of their employer and tell you if it's a sales call or a charitable solicitation.
- They can't lie about the terms of their offers or fail to give you full disclosures about the costs.



Sources of Assistance

California Office of the Attorney General

<http://caag.state.ca.us>
Public Inquiry Unit: 800-952-5225

National Do Not Call Registry

www.donotcall.gov
888-382-1222; TTY: 866-290-4236

The Federal Trade Commission

www.ftc.gov
877-382-4357; TTY: 866-653-4261

Consumer Action

www.consumer-action.org

717 Market Street, Suite 310
San Francisco, CA 94103
415-777-9635
TTY: 415-777-9456
hotline@consumer-action.org

523 W. Sixth Street, Suite 1105
Los Angeles, CA 90014
213-624-8327

Chinese, English and Spanish spoken.

Telemarketers: Do Not Call!



**A new way to limit
unwanted sales calls**

About this brochure

This brochure was created by Consumer Action under a grant from the California Consumer Protection Foundation.

© Consumer Action 2003

A Consumer Action Publication

Are you tired of unwanted telemarketing calls? Now there's a new government tool to help stop unwanted calls. The national Do Not Call Registry is a free list you can join to limit calls to your home and cell phone for five years. If you register before September 2003, you should begin to see a sharp reduction in calls beginning in November.

California residents can now sign up in advance on the Internet and their names will be automatically added to the national list before it becomes operational in the fall of 2003. By summer 2003, phone registration will be available.

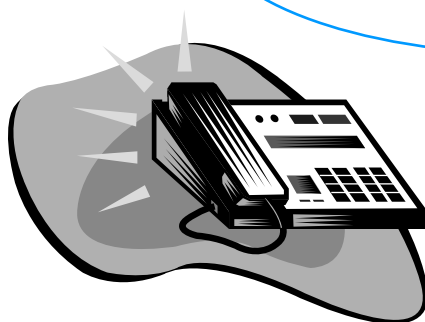
The new national Do Not Call Registry is managed by the Federal Trade Commission (FTC). In the fall of 2003 the FTC will begin to enforce new guidelines designed to help consumers stop unwanted sales calls. Under these amendments to the federal Telemarketing Sales Rule, the FTC is establishing the Do Not Call Registry and gaining new authority to fine companies if they call people on the list.

How can I sign up?

Californians can sign up on a special web site (<http://nocall.doj.state.ca.gov>). Your phone number will automatically be

added to the federal Do Not Call list for five years, at which time you can renew if you choose. However, your registration will not renew automatically—you must register again.

Free registration for the federal Do Not Call list can be done online or by telephone. The Do Not Call web site address is: www.donotcall.gov. The toll-free phone number is: 888-382-1222 (TTY: 866-290-4236).



You'll need to provide your name, telephone number and ZIP code. If you have two or more telephone lines, you will have to register each number separately. (Business numbers may not be included.) You can

remove your listing from the registry or change your phone number at any time.

The registry will be used by telemarketing firms, which are required by law to compare their phone lists to the registry every 90 days and make sure that all the phone numbers of registered individuals are removed. The information may not be sold or used for any other purpose. The California Attorney General's Office has said it will prosecute companies who use registry information in any other way.

Will this stop all calls?

Placing your number on the Do Not Call Registry will stop most, but not all, telemarketing calls. Some businesses and organizations are exempt and can still call you even if you sign up for the registry. Charities, political candidates and businesses with fewer than five employees are not bound by the law.

By registering your name, you only opt out of receiving calls from businesses you don't do business with. Companies are allowed to call current customers or people who were customers in the previous 18 months. If you do not want to receive sales calls from the companies you do business with, tell the companies not to call you about offers. Take your business elsewhere if a company continues to bother you with unwanted calls.

If you call companies to inquire about services or if you submit an application for credit or other services, the companies you were interested in doing business with are permitted to call you for three months after the time you contacted them.

What if I still get calls?

Starting in October 2003, telemarketing companies will be required to check their lists against the registry and continue to

do so every 90 days. October 2003 is the earliest date that telemarketers will be using the new list. After that, they must stop calling people within 30 days of receiving an updated list.

If you signed up before October, but continue to receive telemarketing calls after the list has been operational for two months, you should complain to the FTC. (For contact information, see "Sources of Assistance" on the back panel.) Depending on when you sign up in the future, it could take several months after sign-up until you stop receiving calls.



The FTC, California Attorney General's Office and local prosecutors are authorized to bring enforcement actions against telemarketers who violate the law. The FTC will coordinate with the states to refer complaints. Telemarketers who ignore the national Do Not Call Registry could be fined up to \$11,000 for each call they make to a registered individual.

Even if you enroll in the registry, you can still permit particular companies to call you if you give them your written authorization. And you can still stop specific telemarketers from calling by asking to be put on that company's Do Not Call list.