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THE COLORADO AND NATIONAL NO-CALL LISTS

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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 phone or fax numbers 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 recently amended its rules to allow consumers to add their telephone numbers to a newly created national Do Not Call registry, which will make it illegal for most telemarketers to call that number.

People who have already registered on Colorado's No-Call list *do not* need to register on the national Do Not Call registry. Colorado will keep its existing No-Call program and will share its list with the national registry on a regular basis.

The National Do Not Call Registry

The Federal Trade Commission created the national Do Not Call registry in 2003, and it recently became active.

Registration. Consumers may register their telephone numbers online at 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.

A consumer's phone number will stay on the registry for five years unless the phone is disconnected, or the consumer chooses to delete the number from the registry. After five years, consumers must renew their registration if they wish to remain on the Do Not Call registry.

Enforcement. Beginning this September, telemarketers will be required to synchronize their call lists with the national Do Not Call registry every three months. Federal enforcement begins October 1, 2003.

If a consumer receives telemarketing calls after registering a telephone number (and the number has been in the registry for at least three months), the consumer can file a complaint at donotcall.gov or by calling toll free 1-888-382-1222 (TTY 1-866-290-4236). The consumer must know the company's name or phone number in order to file a complaint.

A telemarketer who disregards the national Do Not Call registry could be fined up to \$11,000 for each call.

Exceptions. Although adding a phone number to the Do Not Call registry will stop most telemarketing calls, some types of calls are still allowed.

- ✓ Political organizations, charities, telephone surveyors, and the business of insurance, to the extent that it is regulated by state law, are still permitted to call.
- ✓ Organizations with which a consumer has an established business relationship can call for up to 18 months after the last purchase, payment or delivery. Companies to which a consumer made an inquiry or submitted an application can call for three months. However, a request that a company not call invalidates this existing business relationship. Therefore, if a consumer asks a company not to call, it must honor the request, regardless of an established business relationship.

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

Colorado's No-Call Law

Colorado created its No-Call list in 2001. The law was amended in 2003 to allow consumers to also add cell phone and FAX numbers to the list. Businesses that make commercial telephone or fax solicitations to Colorado residents must subscribe to the Colorado No-Call list by registering and paying an annual fee to the Public Utilities Commission.

Registration. Colorado residents can add their residential telephone, cellular telephone, and fax numbers to Colorado's No-Call list by calling toll free, 1-888-249-9097, or on the Internet at www.coloradonocall.com. There is no cost to add residential numbers to the list, and once a number is added, it will be included on subsequent lists.

Enforcement. Under the Colorado No-Call Law, businesses that contact residential telephone or fax numbers registered with the No-Call list may be violating the Colorado Consumer Protection Act. Complaints under the No-Call Law may be filed with the Colorado Public Utilities Commission by either calling toll-free, 1-888-600-5688 or 1-888-249-9097, or by going to www.coloradonocall.com and clicking on the Complaints link. Consumers also have private remedies, such as a small claims court action under the No-Call Law, and may recover a minimum of \$500 per violation.

Exceptions. Similar to the federal Do Not Call registry, not all telemarketing calls are covered by the law. Consumers may still receive the following types of calls:

- ✓ calls by or on behalf of charitable organizations;
- ✓ calls made with the recipient's prior express invitation or permission;
- ✓ 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;
- ✓ calls made for the sole purpose of urging support for or opposition to a political candidate or ballot issue;
- ✓ calls made for the sole purpose of conducting political polls or soliciting the expression of opinions, ideas, or votes.