

New Do-Not-Call Registry and FCC Fax Rule

FCC rules state that, if you fax someone you must get their permission. Actually, that was always the rule, but the “old” rules carved out an exception for those with an “existing business relationship.” That is no longer the case. Unauthorized faxes are to end June 30, 2005.

This means you can no longer call or fax (and maybe soon email) anyone who is not an existing contact. It also means you cannot cold call, solicit an expired listing, or engage in any other phone solicitation from anyone who has placed their telephone number in the Do-Not-Call Registry.

The rule also applies to associations, such as NSBAR. Therefore, we need your permission to communicate with you. Please fill out the information below and fax/mail/email to us. Be aware, without your written permission, we will not be able to fax any documents to you or your office.

Name: (please print) _____
Company (if Designated REALTOR®): _____
Address: _____
City, State, ZIP: _____
Telephone Number: _____
Fax Number: _____ Check one: Individual Company
Email: _____

I understand that by providing my mailing address, email address, telephone number, and fax number, I consent to receive communications sent by or on behalf of the North Shore - Barrington Association of REALTOS® (NSBAR), and its subsidiaries and affiliates via regular mail, email, telephone, or fax. I understand that NSBAR will share my address/email/telephone/fax with other members of NSBAR, but not with other individuals, groups or organizations.

Signature: _____ Date: _____

Background: As of June 30, 2005, the cold-calling activities of real estate professionals must comply with the requirements of the new Federal Do-Not-Call Registry, based on rules issued by the Federal Communications Commission (FCC). The FCC has broadened the reach of the Federal Do-Not-Call Registry, originally interpreted by the Federal Trade Commission (FTC), to now cover intrastate telemarketing as well as the interstate telemarketing calls covered by the FTC rule. While there are exceptions to compliance with the Federal Do-Not-Call Registry, the exemptions do not cover the telemarketing activities of real estate professionals.

The Rules now make it illegal to call a residential telephone subscriber with a “telephone solicitation” if the residential telephone subscriber has registered his or her number with the Federal Do-Not-Call Registry. A “telephone solicitation” is defined as a “a telephone call or message for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, which is transmitted to any person.” The FCC’s discussion of the Rules makes it clear that the cold-calling activities of a real estate professional fall within this definition.

There are three exceptions to the Do-Not-Call Registry: (1) if the caller has received the express permission of the consumer; (2) if an “established business relationship” exists between the parties; and (3) if the calls are made by or on behalf of the tax-exempt nonprofit organization. An “established business relationship” is one between a business and a consumer with whom it has an established business relationship for up to 18 months after the consumer’s last purchase, delivery, or payment, or a consumer who, within the last three months, made an inquiry to the business. The established business relationship exception is terminated if a consumer asks to be placed on the business’s company-specific Do-Not-Call list, even if the parties continue to do business.

The Rules now prohibit blocking the transmission of company information through a caller identification service. The Rules further require that a business must provide a number in the called ID at which consumers can call the business during normal business hours and make a business-specific Do-Not-Call request.

The Rules now impose additional requirements upon facsimile (fax) advertisements. First, the Rules expand the definition of when a “facsimile broadcaster” will be found liable for violating the Rules. Second, the Rules require certain information to appear on a facsimile transmission, particularly a facsimile transmission from a facsimile broadcaster. In addition, telemarketers must disconnect an unanswered telemarketing call in at least 15 seconds or four rings.

The Rules also address “abandoned calls,” which occur when a telemarketer uses an automated calling system and the system fails to connect the consumer to a live operator or automated identification message within two seconds after the consumer answers the phone. A telemarketer is only permitted to abandon three percent of all calls made over a 30-day period.

Fax to: **847-480-7362** Attn: NSBAR