FCC Issues Order Limiting Invasive Robocalls to Landline Phones

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Washington, D.C. – On December 30, 2020, the Federal Communications Commission issued an order that will significantly reduce invasive and unwanted calls made with a prerecorded or artificial voice to landline phones. The changes, effective June 30, 2021, are made through new rules which will be fully enforceable under section 227(b) of the Telephone Consumer Protection Act (TCPA). The rules apply to all non-telemarketing calls made without consent to landlines with a prerecorded or artificial voice. The types of calls that will be covered by the new rules include calls from debt collectors, nonprofits, health care providers, and health care insurance providers. The FCC’s Dec 30, 2020 order will make all non-telemarketing calls to landlines subject to the following rules, unless the called party has consented to the calls:

- no more than three artificial or prerecorded voice calls within any consecutive 30-day period to any one number, and
- in every call using a prerecorded or artificial voice, the called party must be provided with an option to “opt out” by dialing a telephone number (required to be provided in the artificial or prerecorded voice message) to register his or her do-not-call request in response to that call, and the caller must provide an automated, interactive voice and/or key press-activated opt-out mechanism for the called person to make a do-not-call request.

“For the first time, the FCC is applying real limits on burdensome non-telemarketing robocalls made with prerecorded or artificial voice to people’s landlines without consent,” said National Consumer Law Center Senior Counsel Margot Saunders. “Consumer and privacy groups strongly supported the changes Congress and the FCC have made to strengthen the TCPA and protect consumers from invasive unwanted robocalls. This is a great win for public safety and should help bolster public confidence in landline phones.”

Although calling industry lobbyists may appeal the FCC decision, they are unlikely to prevail as the FCC is acting in accordance with a federal law passed by Congress in 2019. Telemarketing calls are already subject to the FCC’s and FTC’s do-not-call rules, and prior express written consent of the called party is required if the call is prerecorded or uses an artificial voice. In 2019, Americans were besieged with nearly 60 billion robocalls, the vast majority of them scam, telemarketing, or debt collection calls.