

Attorney General Raoul Urges FCC To Clarify Consent Rules For Telemarketing Robocalls And Texts

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CHICAGO - Attorney General Kwame Raoul, as part of a coalition of 28 state attorneys general, filed comments calling on the Federal Communications Commission (FCC) to

clarify the federal rules requiring telemarketers to obtain consent between an individual consumer and one specific seller or business before making telemarketing robocalls and text messages.

[Raoul and the coalition filed the letter](#) in response to an FCC notice of proposed rulemaking. The FCC has proposed an amendment to its rule concerning the proper way to obtain a consumer's consent to receive robocalls as required under the Telephone Consumer Protection Act (TCPA). Raoul and the coalition also call for the FCC to strengthen protections against illegal text messages and clarify that National Do Not Call Registry protections apply to text messages.

“Robocalls and text messages are a constant source of frustration for millions of Americans, which is why I am asking the FCC to clarify consent requirements to ensure consumers only receive the calls and text messages they specifically signed up for,” Raoul said. “Robocalls and text messages cost consumers time and money, as well as violate their privacy. I will continue to protect the rights of Illinois consumers by fighting against this illegal practice.”

The FCC is seeking to amend its rule concerning consent with lead generators, which are entities that collect personal information like telephone numbers and then sell that information to third parties. This can result in consumers receiving several calls or text messages from several different telemarketers.

A common lead generation practice is to offer the consumer a quote for an online good or service, such as insurance products. In order to receive the quote, the consumer has to agree to receive calls or text messages from the lead generator's marketing partners, which often include thousands of different businesses offering a variety of goods or services.

One aspect of the FCC's proposed amendment attempts to clarify the existing telemarketing rule to allow a consumer to consent to robocalls and text messages from multiple entities at one time if they are similarly associated and are all listed on the same webpage where the consumer provides consent. However, Raoul and the coalition's letter explains this particular proposed amendment could create more ambiguity. Instead, Raoul and the coalition recommend clarifying that the existing rule requires single seller-to-individual consumer language. In other words, sellers and telemarketers would have to obtain separate consent from individual consumers for each separate entity.

The letter also supports the FCC's proposals to strengthen protections against illegal robotexts by requiring providers to block texts from a sender once they are aware the sender is sending unsolicited text messages, and by formally clarifying that the National Do Not Call Registry protections apply to text messages.

Joining Raoul in the filing of the comment letter were attorneys general from Alabama, Alaska, Arizona, California, Colorado, Connecticut, District of Columbia, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Jersey, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Vermont, Virginia, Washington, Wisconsin and Wyoming.