



## WARNING!

### Do Not Call / Telephone Consumer Protection Act

The Telephone Consumer Protection Act (TCPA) regulates calls and texts to cell phones and landlines, auto-dialed calls, prerecorded calls, faxes, and calls to numbers on the Do Not Call (DNC) Registry. Class-action litigation for TCPA violations is increasing, potentially exposing agents, market centers and KWRI to catastrophic financial damages. Consult an attorney for guidance on the TCPA and DNC laws, including consent requirements, autodialer restrictions and prerecorded messages.

#### TCPA

##### Auto Dialers

The TCPA regulates calls and texts to a cellphone using an automatic telephone dialing system (autodialer).

##### Prior Express Written Consent/ Written Consent

In certain cases, a caller must have prior express consent before making a call. In other cases, prior express written consent is required.

##### Artificial Voice / Prerecorded Message

Never use artificial voice or prerecorded messages without a consumer's prior express written consent. Penalties can cost up to \$1,500 per violation.

##### Federal and State Laws

Several states have their own laws governing telemarketing. Talk with your broker about any local and market center rules and DNC lists.

#### DO NOT CALL DO'S AND DON'TS

Under federal law, sellers and telemarketers may not call individuals listed on the Federal Trade Commission's Do Not Call (DNC) Registry. Failure to comply with DNC laws could result in substantial government fines and/or civil legal actions. Consult an attorney regarding compliance with DNC laws.

##### Subscribe to the Registry

The DNC registry is hosted on a dedicated website. Your market center should subscribe to the Registry and give you login credentials. Making any telemarketing calls without access to the Registry violates federal law.

##### Honor Do Not Call Requests

Never call a number on the Do Not Call Registry. Honor an individual's request to be added to your internal DNC list.

##### Check Before You Call

Before making a call, check to see if the number is on any of these lists: 1) National Do Not Call Registry; 2) state Do Not Call list; and 3) market center and agent list. If the number is on any of these lists, delete it.

##### Limited Exceptions

Penalties for a DNC violation total up to \$43,280 per call. Fines for violating a state DNC rule can vary from \$100 to \$25,000.

For more information, visit <http://www.kwconnect.com/page/industry-resource/dnc>