

Minnesota's Do Not Call List

What is the Do Not Call list?

The Do Not Call list was established by the legislature during the 2002 session. It is a list of residential telephone numbers submitted by consumers who do not want to receive telemarketing calls.

Consumers can sign up for the list by contacting the Minnesota Department of Commerce by telephone or on the department's web site. Anyone making or attempting to make a telemarketing call covered by the law to a Minnesota residential number is required to purchase an updated list once every three months, and may not make unsolicited sales calls to the numbers appearing on the list.

What calls will not be covered by the law?

The law has several exceptions. The most significant exceptions are:

- Calls made on behalf of nonprofit or political organizations;
- Calls made by businesses to customers with whom they have an existing business relationship; and
- Calls that are not intended to complete a sale, but only to arrange a face-to-face meeting where the sale will be completed.

How much do telemarketers pay for the list?

The price of each new list is \$125 in 2003, and will be \$90 in 2004, and \$75 in 2005 and thereafter. Telemarketers must buy an updated list at least quarterly. Consumers pay nothing to have their numbers added to the list. The list is funded entirely by the cost to telemarketers of purchasing copies of the list.

What else is covered under the bill?

The bill also requires telemarketers to identify themselves to consumers at the beginning of call and prohibits them from disabling a consumer's use of Caller ID.

What is the relationship between the Minnesota list and the new federal list?

In the summer of 2003, the Federal Trade Commission established the National Do Not Call Registry, which operates similarly to the state list, but has somewhat fewer exceptions. Consumers can sign up for the federal list by calling 1-888-382-1222, or can do so online at donotcall.gov. In order to register online, a consumer must have a valid email address.

The federal list will be enforced beginning on October 1, 2003, at which point it will cover consumers who signed up by August 31, 2003. Consumers who sign up after September 1 will be covered by the list and should notice a reduction in calls within three months of the time they register.

Minnesota's list will be transmitted to the FTC, and all the numbers appearing on it will automatically be added to the federal list, so consumers whose numbers are already on the Minnesota list do not need to separately sign up for the federal list.

What are the penalties for a violation?

The state Do Not Call law is enforced by the Minnesota Department of Commerce, which has the authority to impose a civil penalty of up to \$1,000 for each violation by a telemarketer. The law does not contain a private right of action that would allow an individual consumer to collect money from the telemarketer for a violation.

How does a consumer sign up?

Consumers can find additional information about signing up online on the Department of Commerce's web site, www.commerce.state.mn.us. Consumers can also sign up by calling the department at 1-800-921-4110.

How does a consumer whose name is on the list complain about continuing unsolicited calls?

Consumers can lodge complaints by calling the Department of Commerce at 651-282-5064 or e-mailing the department at market.assurance@state.mn.us.

For more information: Contact legislative analyst Linda Holmes at 651-296-5059.

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