

## **FCC Adopts New Rules Implementing TRACED Act and Enhancing Enforcement Efforts**

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On Friday, May 1, 2020, the FCC released an Order adopting new rules to implement the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act ([TRACED Act](#)), which calls for enhanced penalties and enforcement against entities that violate the TCPA's restrictions on unsolicited robocalls.

The FCC did not engage in public notice and comment rulemaking before implementing the changes to its rules, concluding that the changes were required by Section 3 of the TRACED Act and did not involve an exercise of discretion. Section 3 of the TRACED Act removes the requirement that the Commission issue a citation, or warning, to those it believes are making illegal robocalls before proposing a monetary forfeiture and imposes an additional potential monetary penalty for individuals found to have made illegal robocalls "with the intent to cause such violation." Further, the TRACED Act extends the statute of limitations for the FCC to impose penalties for certain violations.

Consistent with these changes adopted by Congress, the Commission amended its rules as follows:

1. Amended 47 C.F.R. § 1.80 to provide that the Commission may impose a penalty against any person or entity that violates 47 U.S.C. § 227(b), as amended, removing the requirement that the Commission must first issue a citation to any person or entity that violates section 227(b) when that entity is not otherwise regulated by the FCC.
2. Amended 47 C.F.R. § 1.80 to provide that the Commission has the authority to impose a penalty of up to \$10,000 per intentional unlawful robocall.
3. Amended 47 C.F.R. § 1.80 to extend the statute of limitations period to four years for intentional violations of section 227(b), which governs calls made using an automatic telephone dialing system, prerecorded, or artificial voice.
4. Amended 47 C.F.R. § 1.80 to extend the statute of limitations period to four years for violations under section 227(e) of the Act, which prohibits the transition of "misleading or inaccurate caller identification information with the intent to defraud, cause harm, or wrongfully obtain anything of value."

The Commission's revised rules will become effective 30 days after publication in the Federal Register.

National Law Review, Volumess X, Number 125

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