

FCC Sets Volume Limits For Some Prerecorded Calls to Home Phones

Article By:

Liisa M. Thomas

David M. Poell

The FCC [recently](#) adopted new rules that will limit the volume of calls that can be made to residential phones under certain TCPA consent exceptions. The new rules affect non-telemarketing calls that use an artificial or prerecorded voice. For years, companies have been able to make unlimited numbers of these calls to residential lines without the need for prior express consent if the exceptions applied. Beginning later in 2021, companies will need to follow volume limits for the following types of exempted calls, unless they have obtained prior express consent to make more calls. The new limits will apply to calls that fall into one of these consent exceptions:

1. *Non-Commercial Calls to a Residence*: The new rules limit the number of calls under this exemption to **three calls within any consecutive 30-day period**. This exemption includes calls conducting research, market surveys, political polling, or similar noncommercial activities.
2. *Commercial Calls to a Residence that Do Not Constitute Telemarketing*: The new rules limit the number of calls under this exemption to **three calls within any consecutive 30-day period**. This exemption includes calls to consumers regarding prescription refill reminders, power outage updates, and data security breaches.
3. *Tax-exempt Nonprofit Calls to a Residence*: Like the two previous categories, the new rules limit the number of calls under this exemption to **three calls within any consecutive 30-day period**.
4. *HIPAA Calls to a Residence*: The new rules limit the number of calls under this exemption to **one call per day up to a maximum of three calls per week**.

As long as companies follow these limits, they may still make these calls without obtaining prior express consent. Companies must also let recipients opt out of such calls (as is provided in TCPA). These rules will go into effect six months after they are published in the Federal Register, which we anticipate will happen soon.

Putting it Into Practice: Before these requirements go into effect, companies can prepare and test procedures to comply with the volume limits, or consider whether it makes sense to get consent to send more calls than provided for in the rule.

Copyright © 2024, Sheppard Mullin Richter & Hampton LLP.

National Law Review, Volumess XI, Number 15

Source URL: <https://natlawreview.com/article/fcc-sets-volume-limits-some-prerecorded-calls-to-home-phones>