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Do Not Call (DNC) Developments

By Howard Fienberg, Director of Government Affairs
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Numbers added to national DNC Registry to be permanent

This fall, the House Energy & Commerce Committee passed H.R. 3541 and the Senate Commerce Committee passed S. 2096, both of which would make permanent the addition of numbers to the national Do Not Call Registry. Numbers currently expire after **five years**, and the Registry already consists of about **145 million numbers**, including both residential landlines and cell phones. The Federal Trade Commission (FTC), the federal agency that operates the Registry, has also stated that no numbers will expire, pending Congressional action.

Since legitimate survey and opinion research calls are outside the scope of (and is therefore implicitly exempt from) the national Do Not Call Registry, these bills would have no direct negative direct impact on the survey and opinion research profession. **However, researchers should be prepared for a wider variety of negative responses and concerns from respondents, mistakenly presuming that a telephone surveyor is a telemarketer breaking the law.** An important tool for the survey and opinion research profession in responding to such concerns, improving respondent cooperation and deflecting future potential legislative interest, is an internal do not call list.

For more information on state and federal Do Not Call laws, and best practices for internal do not call lists, consider the new Telephone Component of the [CMOR Compliance Guide](#).

FTC cracking down on DNC violations

The FTC has taken numerous actions against companies accused of violating provisions of the federal Do Not Call Registry in the last few months, leading to nearly \$7.7 million in civil penalties. Violators have included popular companies/brands, including Ameriquest Mortgage Company, the adjustable-bed seller Craftmatic and alarm provider ADT.

The FTC charged Ameriquest with improperly calling consumers on the Registry whose numbers had been obtained from third-party lead-generators. Meanwhile, the Justice Department, on behalf of the FTC, is pursuing a case in a California federal court against Global Mortgage Funding for making hundreds of thousands of calls to consumers on the Do Not Call Registry.

According to the FTC, the agency has filed at least 34 actions against companies and individuals who have violated the law and the agency has obtained more than \$16 million in penalties. Businesses can expect the agency to be at least as aggressive in the coming year.

Canada nearing implementation of DNC Registry

While Canada has been working on a national Do Not Call Registry since 2001, and passed a law in November 2005 to create one, it remains in the creative process; the Registry is not expected to be up and running until sometime in 2008.

However, this summer, the Canadian Radio-television and Telecommunications Commission (CRTC) released implementing regulations. Thanks to the efforts of CMOR's Canadian counterpart, the Marketing Research and Intelligence Association (MRIA), the Registry only applies to telemarketing and sales and **will not** include calls for survey and opinion research purposes. However, CRTC regulations **will** require all exempted organizations (political parties, pollsters, etc.) to maintain their own do-not-call registries.

Links

- National Do Not Call Registry: <https://www.donotcall.gov/>
- CMOR Compliance Guide: <http://www.cmor.org/dref>
- CRTC news release: <http://www.crtc.gc.ca/eng/NEWS/RELEASES/2007/r070703.htm>

- Marketing Research and Intelligence Association (MRIA): <http://www.mria-arim.ca>

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