

§ 6151. National Do-Not-Call Registry

(a) Authority

The Federal Trade Commission is authorized under section 6102(a)(3)(A) of this title to implement and enforce a national do-not-call registry.

(b) Ratification

The do-not-call registry provision of the Tele-marketing Sales Rule (16 C.F.R. 310.4(b)(1)(iii)), which was promulgated by the Federal Trade Commission, effective March 31, 2003, is ratified. (Pub. L. 108-82, §1, Sept. 29, 2003, 117 Stat. 1006.)

CODIFICATION

Section was formerly set out as a note under section 6102 of this title.

Section was enacted as part of Pub. L. 108-82, and not as part of the Do-Not-Call Implementation Act which comprises this chapter.

SHORT TITLE OF 2008 AMENDMENT

Pub. L. 110-188, §1, Feb. 15, 2008, 122 Stat. 635, provided that: “This Act [amending sections 6152 and 6154 of this title and enacting provisions set out as a note under section 6152 of this title] may be cited as the ‘Do-Not-Call Registry Fee Extension Act of 2007.’”

Pub. L. 110-187, §1, Feb. 15, 2008, 122 Stat. 633, provided that: “This Act [enacting section 6155 of this title] may be cited as the ‘Do-Not-Call Improvement Act of 2007.’”

SHORT TITLE

Pub. L. 108-10, §1, Mar. 11, 2003, 117 Stat. 557, provided that: “This Act [enacting this chapter] may be cited as the ‘Do-Not-Call Implementation Act.’”

§ 6152. Telemarketing Sales Rule; do-not-call registry fees

(a) In general

The Federal Trade Commission shall assess and collect an annual fee pursuant to this section in order to implement and enforce the “do-not-call” registry as provided for in section 310.4(b)(1)(iii) of title 16, Code of Federal Regulations, or any other regulation issued by the Commission under section 6102 of this title.

(b) Annual fees

(1) In general

The Commission shall charge each person who accesses the “do-not-call” registry an annual fee that is equal to the lesser of—

- (A) \$54 for each area code of data accessed from the registry; or
- (B) \$14,850 for access to every area code of data contained in the registry.

(2) Exception

The Commission shall not charge a fee to any person—

- (A) for accessing the first 5 area codes of data; or
- (B) for accessing area codes of data in the registry if the person is permitted to access, but is not required to access, the “do-not-call” registry under section¹ 310 of title 16, Code of Federal Regulations, section 64.1200

of title 47, Code of Federal Regulations, or any other Federal regulation or law.

(3) Duration of access

(A) In general

The Commission shall allow each person who pays the annual fee described in paragraph (1), each person excepted under paragraph (2) from paying the annual fee, and each person excepted from paying an annual fee under section 310.4(b)(1)(iii)(B) of title 16, Code of Federal Regulations, to access the area codes of data in the “do-not-call” registry for which the person has paid during that person’s annual period.

(B) Annual period

In this paragraph, the term “annual period” means the 12-month period beginning on the first day of the month in which a person pays the fee described in paragraph (1).

(c) Additional fees

(1) In general

The Commission shall charge a person required to pay an annual fee under subsection (b) an additional fee for each additional area code of data the person wishes to access during that person’s annual period.

(2) Rates

For each additional area code of data to be accessed during the person’s annual period, the Commission shall charge—

- (A) \$54 for access to such data if access to the area code of data is first requested during the first 6 months of the person’s annual period; or
- (B) \$27 for access to such data if access to the area code of data is first requested after the first 6 months of the person’s annual period.

(d) Adjustment of fees

(1) In general

(A) Fiscal year 2009

The dollar amount described in subsection (b) or (c) is the amount to be charged for fiscal year 2009.

(B) Fiscal years after 2009

For each fiscal year beginning after fiscal year 2009, each dollar amount in subsection (b)(1) and (c)(2) shall be increased by an amount equal to—

- (i) the dollar amount in paragraph (b)(1) or (c)(2), whichever is applicable, multiplied by
- (ii) the percentage (if any) by which the CPI for the most recently ended 12-month period ending on June 30 exceeds the base-line CPI.

(2) Rounding

Any increase under subparagraph (B) shall be rounded to the nearest dollar.

(3) Changes less than 1 percent

The Commission shall not adjust the fees under this section if the change in the CPI is less than 1 percent.

(4) Publication

Not later than September 1 of each year the Commission shall publish in the Federal Reg-

¹ So in original. Probably should be “part”.