



ARIZONA STATE SENATE
Fifty-Sixth Legislature, First Regular Session

FACT SHEET FOR H.B. 2498

do-not-call list; text messages

Purpose

Prohibits a seller, solicitor or anyone acting on behalf of a seller or solicitor from initiating an outbound text message to a telephone number that is on the National Do-Not-Call Registry (Registry).

Background

The federal Do-Not-Call Implementation Act of 2003 authorized the Federal Trade Commission (FTC) to establish the Registry. Telephone numbers are only removed from the Registry on an individual's request to remove the individual's telephone number or if the FTC determines that the number has been disconnected or reassigned (15 U.S.C. §§ [6151](#) and [6155](#)).

A seller or solicitor or anyone acting on behalf of a seller or solicitor is prohibited from initiating an outbound telephone solicitation call to any telephone number, if the telephone number is entered in the Registry. A telephone solicitation is exempt from the do-not-call prohibitions if the telephone solicitation is authorized under federal law or regulation or the call is made by or on behalf of a seller or solicitor who holds an Arizona broker or salesperson license if the call is: 1) in regard to a past or present real estate employment agreement with the consumer and who is calling in regard to a subject reasonably related to the employment agreement; 2) in response to a referral from a natural person with whom the consumer has a personal relationship; or 3) in response to an express request or permission of a consumer whose telephone number is entered in the Registry. A violation of the do-not-call prohibitions is an unlawful practice under consumer fraud law and subject to investigation by the Attorney General for a civil penalty of up to \$1,000 ([A.R.S. § 44-1282](#)).

A *telephone solicitation* is any voice communication from a live operator, announcing device or otherwise that offers merchandise for sale or rent and that is to or from a person located in Arizona ([A.R.S. § 44-1271](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Prohibits a seller, solicitor or anyone acting on behalf of a seller or solicitor from initiating an outbound text message to a telephone number that is on the Registry.
2. Makes a technical change.

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3. Becomes effective on the general effective date.

House Action

COM	1/31/23	DP	10-0-0-0
3 rd Read	2/21/23		60-0-0

Prepared by Senate Research

March 6, 2023

JT/FB/sr