

## FCC Limits Debt Collection Robocalls

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Recently, the FCC released a [report and order](#) with new restrictions to curb the frequency of “robocalls” that are made to wireless numbers “solely to collect a debt owed to or guaranteed by the United States.” The order specifically amends the agency’s telemarketing regulations (found at 42 CFR § 64.1200, *et seq.*) and implements Congress’s call for more limits on debt collection calls in the Bipartisan Budget Act of 2015. Under the regulations as now amended, debt collectors seeking recovery of federally-backed student loans and some types of mortgages can now call or text consumer cell phone numbers up to three times within a 30-day period without seeking consent to such calls in advance. Such calls must concern federal debts that are delinquent or at imminent risk of delinquency based on specific, time-sensitive events.

In addition to the frequency limitations, these debt collectors face other restrictions under the amended regulations. For instance, calls using pre-recorded or artificial voice messages may last no more than 60 seconds and autodialed text messages may not exceed 160 characters. Calls and texts must be made or sent only between 8 a.m. and 9 p.m. local time. The FCC also clarified that these calls may not be made to a reassigned number more than once, citing the agency’s *2015 Declaratory Ruling and Order*. And, consumers have the right to stop autodialed, artificial-voice, and prerecorded-voice servicing and collection calls regarding federal debt to a wireless number at any point and using any reasonable method.

Importantly, these amendments to the regulation are narrowly focused on debt collectors who are making calls “solely” to collect a debt owed to or guaranteed by the United States. Thus, as [explained](#) by Chairman Tom Wheeler, the order is not intended to provide a back-door for other companies to make calls that contain marketing and advertising, or that are otherwise selling products or services.

**TIP: Companies should keep in mind that this new amendment is narrowly focused, but it serves as a reminder that the FCC is continuing its focus on the TCPA.**

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