

RESCINDED

Replaced – See OCC 2020-11
Also refer to Comptroller’s Handbook, “Other
Consumer Protection Laws and Regulations.”

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Telephone Consumer Protection Act: Do-Not-Call List Requirements

The Telephone Consumer Protection Act (TCPA), 47 USC 227, and its implementing regulation, 47 CFR 64.1200, establish requirements for all entities, including national banks, that conduct "telemarketing" either directly or through a third party.

Under the TCPA, "telemarketing" is defined as the initiation of a telephone call or message to any person for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services. The law covers such calls and messages even if made to existing customers.

Thus, even if an institution makes telemarketing calls only to its existing customers, it is covered by the TCPA and must comply with its requirements. These requirements include adopting a written policy for maintaining a do-not-call (DNC) list, and providing that policy to any person that requests it (even if that person is not a customer of the institution). In addition, the institution must train all personnel engaged in any aspect of telemarketing to ensure that they are familiar with the existence and use of the DNC list.

The TCPA provides for a private right of action for violations. Plaintiffs may receive \$500 per violation or actual damages, whichever is greater.

In November 2005, the Federal Financial Institutions Examination Council's Task Force on Consumer Compliance approved interagency consumer compliance examination procedures for the TCPA. See OCC Bulletin 2006-15, available [here](#).

You may direct any questions to your supervisory office or OCC Compliance Division (202) 649-5470.

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To

Chief Executive Officers and
Compliance Officers of All
National Banks, Department and
Division Heads, and All
Examining Personnel