Contact Center Compliance
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Wireless No Call States Guide

Arizona, Louisiana, New Jersey, Texas, and Wyoming have their own laws banning telemarketing calls to wireless phone numbers. Learn the rules.

Overview

While the Telephone Consumer Protection Act (TCPA) is the most significant piece of legislation that regulates telemarketing, it is far from the only one. In fact, the text of the TCPA itself explicitly states that it does not preempt any state-level telemarketing regulations. Those state level regulations are extensive and labyrinthine, but there are certain ones that are more significant than others.

There are five states—the Wireless No Call States—that have their own specific laws regulating telemarketing calls to wireless phone numbers that exist in addition to federal laws. Those states are Arizona, Louisiana, New Jersey, Texas, and Wyoming. While these laws are but one part of the vast labyrinth of state-level telemarketing regulations, understanding them is an essential facet of compliance for any marketer who does business in these states.

In this guide, we will explain the laws for the five Wireless No Call States and also provide a handy table of essential information for marketers who call those states.

Did You Know?

At least 43 states have some sort of state level telemarketing regulations.

The States

Arizona
Arizona Revised Stat. § 44-1278(B)(3)
Arizona's law bans any unsolicited telephone calls to mobile devices and pagers. Specifically, the language of the law makes it illegal for "any seller or solicitor or anyone acting on their behalf who conducts a telephone solicitation" in Arizona to "[i]ntentionally make or cause to be made any unsolicited telephone sales call to any mobile or telephone paging device."

Louisiana
Louisiana Public Service Commission's Do Not Call Program General Order (V)(A)(12)(b)
Louisiana's law bans any calls to "any telephone number assigned to a paging service, cellular or mobile telephone service, specialized mobile radio service, or other radio common carrier service, or any service for which the called party is charged for the call" unless the caller has the recipient's prior express consent.

New Jersey
NJ Rev Stat § 56:8-130(a)
New Jersey's law bans telemarketers from making (or causing to be made) any "unsolicited telemarketing sales call to a commercial mobile service device of any customer."

Texas
Texas Business and Commerce Code Title 10 Chapter 305
Texas's law bans an individual making a phone call or using an automatic telephone dialing system (ATDS) to make a phone call for sales purposes if the caller knows (or should know) that they are calling "a mobile telephone for which the called person will be charged for that specific call" without consent.

Fun Fact

Texas's law explicitly defines a "telephone call" to include faxes, text messages, and graphic images sent to mobile phones.

Wyoming
WY Stat § 40-12-302(e)
Wyoming's law bans telemarketers and merchants from making "any unsolicited telephonic sales call[s] to any unpublished cellular telephone number[s]."

Wireless No Call States Reference Guide

State	License Required	Time of Day Curfew	State DNC List
Arizona	Yes	8:00am - 9:00pm (follows federal rule)	Yes
Louisiana	Yes	Weekdays: 8:00am - 8:00pm Saturdays: 8:00am - 8:00pm Sundays: Do Not Call	Yes
New Jersey	Yes	8:00am - 9:00pm	No
Texas	Yes	Weekdays: 9:00am - 9:00pm Saturdays: 9:00am - 9:00pm Sundays: 12:00pm - 9:00pm	Yes
Wyoming	Yes	8:00am - 9:00pm	DMA List

Best Practices

Identify wireless phone numbers
If you can identify which phone numbers on your calling list belong to mobile devices, you will know which numbers are covered by the Wireless No Call States regulations.

Identify reassigned phone numbers
More than 100,000 wireless numbers are reassigned every day and consent is tied to the called party. Whatever consent you have to call or text a number, it is only valid if it belongs to the party who has given you consent.

Identify known litigants
Serial litigators and professional plaintiffs will always find a way to sneak into your calling lists. Some state telemarketing regulations even have a private right of action, allowing litigants to file potentially costly lawsuits and even class actions. You do not want these people to be in your calling lists.

Did You Know?

Texas's law includes a private right of action with penalties of $500 per violation or plaintiff's actual damages. These can be trebled for knowing violations.

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