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For Immediate Release

FCC DECLARES THAT ‘RINGLESS VOICEMAILS’ TO CONSUMER CELL PHONES ARE SUBJECT TO ROBOCALLING RESTRICTIONS

WASHINGTON, November 21, 2022—The Federal Communications Commission today clarified that callers must obtain a consumer’s consent before delivering “ringless voicemail,” a message left in a consumer’s mailbox without ringing their cell phone. The unanimous decision by the full Commission finds that ringless voicemails are, in fact, “calls” that require consumers’ prior express consent.

The Telephone Consumer Protection Act (TCPA), which protects consumers from unwanted robocalls, prohibits making any non-emergency call using an automatic telephone dialing system or an artificial or prerecorded voice to a wireless telephone number without the prior express consent of the called party. The Commission today has clarified that ringless voicemail is a form of robocall and is illegal if the caller did not have the consumer’s prior express consent. Violations can be enforced by the FCC or the consumer can sue in court.

“Imagine finding robocallers leaving junk voicemails on your phone without it ever having rung. It’s annoying and it’s happening to too many of us. Today we’re taking action to ensure these deceptive practices don’t find a way around our robocall rules and into consumers’ inboxes,” said **FCC Chairwoman Jessica Rosenworcel**.

The Declaratory Ruling and Order denies a petition filed by All About the Message, LLC, which asked the Commission to find that delivery of a message directly to a consumer’s cell phone voicemail is not a call protected by the TCPA. The FCC is acting on its own motion after the petitioner and two other similar petitions sought to withdraw their requests for clarification after the FCC sought public comment and received overwhelming negative reaction from commenters. The FCC has also received dozens consumer complaints annually related to ringless voicemail. The ruling goes into effect upon today’s release of the decision.

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).