

**MEMO# 7130**

July 21, 1995

## **NASD NOTICE TO MEMBERS CONCERNING "DO NOT CALL" LIST**

1 See Memorandum to Compliance Committee No. 26-95, Direct Marketing Committee No. 27-95, Sales Force Marketing Committee No. 30-95, SEC Rules Members No. 42-95 and Unit Investment Trust Members No. 33-95, dated June 23, 1995. July 21, 1995 TO: COMPLIANCE COMMITTEE No. 32-95 DIRECT MARKETING COMMITTEE No. 29-95 SALES FORCE MARKETING COMMITTEE No. 32-95 SEC RULES MEMBERS No. 48-95 UNIT INVESTMENT TRUST MEMBERS No. 37-95 RE: NASD NOTICE TO MEMBERS CONCERNING "DO NOT CALL" LIST \_\_\_\_\_ As we previously informed you, the SEC recently approved proposed amendments to Article III, Section 21 of the NASDGs Rules of Fair Practice to add a provision requiring NASD members to make and maintain a list of persons who do not wish to receive telephone solicitations from that member or its associated persons.<sup>1</sup> The NASD has issued a Notice to Members announcing the SEC's approval of this rule change and describing its background and purpose. A copy of the Notice to Members (No. 95-54, July 1995) is attached. Among other things, the Notice explains that the new provision is intended to "implement that portion of the FCC rules [under the 1991 Telephone Consumer Protection Act] that requires establishment and maintenance of a do-not-call list." It also reminds NASD members that pursuant to those rules, members that solicit customers or sales using cold calls must: (1) not make cold calls before 8 a.m. or after 9 p.m. at the called party's location; (2) provide the called party with the name of the caller, the person or organization for whom the call is made, and a telephone number for contacting the caller; (3) have a written policy concerning cold calling and do-not-call lists; and (4) train all personnel concerning cold calling rules and the existence and use of do-not-call lists. The rule change became effective on June 9, 1995. Frances M. Stadler Associate Counsel Attachment Note: Not all recipients of this memo will receive an attachment. If you wish to obtain a copy of the attachment referred to in this memo, please call the Institute's Information Resource Center at (202)326- 8305 or (202)326-5903, and ask for this memo's attachment number: 7130.