

NEWS RELEASE

From the Office of the Indiana Attorney General

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Attorneys general fight to stop robo-calls to cell phones *Federal legislation targets consumers' telephone privacy rights*

CHICAGO, Ill. – Attorneys general are teaming up to voice their opposition to proposed federal legislation aiming to allow robo-calls to cell phones.

Indiana Attorney General Greg Zoeller joined Illinois Attorney General Lisa Madigan in Chicago today to help warn consumers about House Resolution 3035, known as the “Mobile Informational Call Act of 2011.”

"Consumers everywhere should know there is a federal proposal that would drive unwanted, costly robo-calls to their cell phones," Zoeller said. "Congress should be working to strengthen constituents' protections against unsolicited automated messages, not weakening them."

If passed, the proposal would amend the Communications Act of 1934 and allow for robo-calling to all cell phones, leaving consumers to foot the bill, Zoeller said. State attorneys general would not be able to enforce state laws against junk faxes, prerecorded calls or text messages.

"This bill would allow for robo-calls to consumers' cell phones without their explicit consent," Madigan said. "It would open up the floodgates to telemarketers and debt collectors to call at all hours of the day, and prevent my office and other state attorneys general from enforcing strong laws that have previously banned this practice of robo-calling."

Zoeller testified in opposition of the proposal last Friday before a U.S. House Subcommittee on Communications and Technology hearing in Washington, D.C.

Consumers can also voice their opinion on the proposal by contacting their representative or by visiting Popvox's nonpartisan website at <https://www.popvox.com/bills/us/112/hr3035>. Popvox will forward constituents' comments to their members of Congress.

Zoeller said two separate ongoing court cases are also challenging Hoosiers' right to telephone privacy. The Indiana Attorney General's Office appealed to the Indiana Supreme Court to hear a recent lower court ruling that would allow automated calls from political candidates. FreeEats.com challenged whether the state should be constitutionally allowed to restrict robo-calls to residents.

Patriotic Veterans Inc. also challenged Indiana's Automatic Dialing Machine Statute. The U.S. District Court for the Southern District of Indiana ruled the state's ban on robo-calls playing political messages cannot be enforced if the calls originate outside Indiana, but the Attorney General's Office is appealing the decision.

State attorneys general in Connecticut, Iowa, Kentucky, North Carolina, North Dakota, Nevada, Oregon and Tennessee are also opposed to preemption.

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