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Short Title: Robocall Solicitation Modifications.

(Public)

Sponsors:

Referred to:

April 14, 2025

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE LAWS GOVERNING TELEPHONE SOLICITATIONS TO
3 ADDRESS ROBOCALLS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Article 4 of Chapter 75 of the General Statutes reads as rewritten:

6 "Article 4.

7 "Telephone Solicitations.

8 **"§ 75-100. Findings.**

9 ...

10 **"§ 75-101. Definitions.**

11 The following definitions apply in this Article:

- 12 (1) Affiliate. – A business establishment, business, or other legal entity that
13 wholly or substantially owns, is wholly or substantially owned by, or is under
14 common ownership with a telephone solicitor.
- 15 (2) ~~Automatic dialing and recorded message player. – Any automatic equipment~~
16 ~~that incorporates a storage capability of telephone numbers to be called or a~~
17 ~~random or a sequential number generator capable of producing numbers to be~~
18 ~~called that, working alone or in conjunction with other equipment,~~
19 ~~disseminates a prerecorded message to the telephone number called.~~
- 20 (3) "Do Not Call" Registry. – The registry created and maintained by the Federal
21 Trade Commission pursuant to the Telemarketing Sales Rule. It also means
22 any other telemarketing registry created by the federal government, including
23 the Federal Communications Commission. It also means any registry created
24 by the Attorney General pursuant to G.S. 75-102(n).
- 25 (4) Doing business in this State. – To make or cause to be made any telephone
26 solicitation to North Carolina telephone subscribers, whether the telephone
27 solicitations are made from a location inside North Carolina or outside North
28 Carolina.
- 29 (5) Established business relationship. – A relationship between a seller and a
30 consumer based on:
31 a. The consumer's purchase, rental, or lease of the seller's goods or
32 services or a financial transaction between the consumer and the seller



- 1 or one or more of its affiliates within the 18 months immediately
2 preceding the date of a telephone solicitation; or
- 3 b. The consumer's inquiry or application regarding a product or service
4 offered by the seller within the three months immediately preceding
5 the date of a telephone solicitation.
- 6 ~~(6) Express invitation or permission. — Any invitation or permission that is~~
7 ~~registered by the telephone subscriber on an independent form and that~~
8 ~~contains the telephone number to which calls can be placed and the signature~~
9 ~~of the telephone subscriber. The form may be completed and signed~~
10 ~~electronically.~~
- 11 (7) Person. — Any individual, business establishment, business, or other legal
12 entity.
- 13 (7a) Prior express written consent. — An agreement that satisfies all of the
14 following conditions:
- 15 a. It is in writing.
- 16 b. It bears the signature of the person called that clearly authorizes the
17 seller to deliver or cause to be delivered to the person called telephone
18 solicitations. The term "signature" includes an electronic or digital
19 form of signature, to the extent that such form of signature is
20 recognized as a valid signature under applicable federal law or State
21 law.
- 22 c. It includes the telephone number to which the signatory authorizes
23 such telephone solicitations to be delivered.
- 24 d. It includes a clear and conspicuous disclosure informing the person
25 signing both of the following:
- 26 1. By executing the agreement, such person authorizes the seller
27 to deliver or cause to be delivered to the signatory telephone
28 solicitations.
- 29 2. The person is not required to sign the agreement (directly or
30 indirectly) or agree to enter into such an agreement as a
31 condition of purchasing any property, goods, or services.
- 32 (7b) Robocall. — A voice communication that delivers artificial, artificially
33 generated, or prerecorded voice messages, in whole or in part, including, but
34 not limited to, telephone calls utilizing soundboard technology and ringless
35 voicemail messages. "Robocall" also includes spam and scam text messages
36 received by a telephone subscriber through a messaging application. The
37 following are not considered a "robocall": (i) a voice communication made
38 with the prior express written consent of the telephone subscriber that delivers
39 artificial, artificially generated, or prerecorded voice messages, in whole or in
40 part, including, but not limited to, telephone calls utilizing soundboard
41 technology and ringless voicemail messages, and (ii) text messages sent with
42 the prior express written consent of the telephone subscriber received by a
43 telephone subscriber through a messaging application.
- 44 (7c) Robocaller. — Any person doing business in this State that, directly or through
45 others, makes, attempts to make, causes to be made, or otherwise provides or
46 knows or consciously avoids knowing that they provide substantial assistance
47 or support for making robocalls.
- 48 (8) Telemarketing Sales Rule. — The federal regulation promulgated by the
49 Federal Trade Commission, 16 C.F.R. Part 310 (January 29, 2003 Edition), as
50 amended, to implement the Telemarketing and Consumer Fraud and Abuse
51 Prevention Act, 15 U.S.C. §§ 6101-6108, as amended.

- 1 (9) Telephone solicitation. – A voice or text communication, whether
 2 prerecorded, live, or a facsimile, over a telephone line or wireless telephone
 3 network or via a commercial mobile radio service that is made by a telephone
 4 solicitor to a telephone subscriber for the purpose of soliciting or encouraging
 5 the purchase or rental of, or investment in, property, goods, or services;
 6 obtaining or providing information that will or may be used for that purpose;
 7 soliciting or encouraging a telephone subscriber's participation in any contest,
 8 sweepstakes, raffle, or lottery, whether legal or illegal; or obtaining a
 9 charitable donation. "Telephone solicitation" also includes those transactions
 10 that are defined as "telemarketing" under the Telemarketing Sales Rule.
- 11 (10) Telephone solicitor. – Any ~~individual, business establishment, business, or~~
 12 ~~other legal entity person~~ doing business in this State that, directly or through
 13 salespersons or agents, ~~makes or makes, attempts to make make, causes to be~~
 14 ~~made, or otherwise provides or knows or consciously avoids knowing that~~
 15 ~~they provide substantial assistance or support for making telephone~~
 16 ~~solicitations or causes telephone solicitations to be made. solicitations.~~
 17 "Telephone solicitor" also includes any party defined as a "telemarketer"
 18 under the Telemarketing Sales Rule.
- 19 (11) Telephone subscriber. – An individual who subscribes to a residential
 20 telephone service from a local exchange company, a competing local provider
 21 certified to do business in North Carolina, or a wireless telephone company;
 22 or the individuals living or residing with that individual.
- 23 (12) ~~Unsolicited telephone call. – A voice or text communication, whether~~
 24 ~~prerecorded, live, or a facsimile, over a telephone line or wireless telephone~~
 25 ~~network or via a commercial mobile radio service that is made by a person to~~
 26 ~~a telephone subscriber without prior express invitation or permission.~~

27 **"§ 75-102. Restrictions on telephone solicitations.**

- 28 ...
- 29 (f) No telephone solicitor shall make a telephone solicitation before 8:00 A.M. or after
 30 9:00 P.M.
- 31 ...
- 32 (h) No telephone solicitor or robocaller shall engage in threats, intimidation, or the use
 33 of profane or obscene language.
- 34 (i) ~~No telephone solicitor shall cause misleading information to be transmitted to users~~
 35 ~~of caller identification technologies or otherwise block or misrepresent the origin of the telephone~~
 36 ~~solicitation. No provider of telephone caller identification services shall be held liable for~~
 37 ~~violations of this subsection committed by other individuals or entities. It is not a violation of~~
 38 ~~this subsection for a telephone solicitor to utilize the name and number of the entity the~~
 39 ~~solicitation is being made on behalf of rather than the name and number of the telephone solicitor.~~
- 40 ...
- 41 (k) Nothing in this section prohibits a telephone solicitor from contacting by
 42 nontelephonic notice a telephone subscriber whose telephone number appears in the "Do Not
 43 Call" Registry to obtain the telephone subscriber's ~~express invitation or permission prior express~~
 44 ~~written consent~~ allowing the telephone solicitor to make telephone solicitations to the telephone
 45 subscriber. A telephone solicitor shall not contact a telephone subscriber by telephone to obtain
 46 this ~~express invitation or permission prior express~~ written consent.
- 47 (l) Nothing in this section prohibits a telephone solicitor from advertising in a general
 48 medium or contacting by nontelephonic notice a telephone subscriber whose telephone number
 49 appears in the "Do Not Call" Registry to encourage the telephone subscriber to initiate telephone
 50 calls to the telephone solicitor. A telephone solicitor shall not contact a telephone subscriber by
 51 telephone to obtain this ~~express invitation or permission prior express~~ written consent.

1 ...
2 **"§ 75-103. Limited exceptions.**
3 (a) G.S. 75-102(a) does not apply to any of the following telephone solicitations that are
4 made:

- 5 (1) To any telephone subscriber with the telephone subscriber's ~~prior express~~
6 ~~invitation or permission~~ prior express written consent.

7 ...
8 (e) In any dispute regarding whether a telephone subscriber has provided ~~an express~~
9 ~~invitation or permission~~ prior express written consent under subsection (a) of this section, the
10 telephone solicitor has the burden of proving that the telephone subscriber has provided this
11 ~~permission consent~~ by producing the original document, a facsimile document, or an electronic
12 form, signed by the telephone subscriber, or other authentication that evidences ~~permission~~
13 ~~consent~~. A telephone subscriber may subsequently retract ~~express invitation or permission~~ prior
14 express written consent by indicating a desire not to receive further telephone solicitations under
15 G.S. 75-102(b).

16 **"§ 75-104. Restrictions on use of automatic dialing and recorded message players, robocalls.**

17 (a) Except as provided in this section, no person may ~~use an automatic dialing and~~
18 ~~recorded message player to make an unsolicited telephone call~~ make a robocall to a telephone
19 number.

20 (b) Notwithstanding subsection (a) of this section, a person may ~~use an automatic dialing~~
21 ~~and recorded message player to make an unsolicited telephone call~~ make a robocall only under
22 one or more of the following circumstances:

- 23 (1) All of the following are satisfied:
24 a. The person making the ~~call~~ robocall is any of the following:
25 1. A tax-exempt charitable or civic organization.
26 2. A political party or political candidate.
27 3. A governmental official.
28 4. An opinion polling organization, radio station, television
29 station, cable television company, or broadcast rating service
30 conducting a public opinion poll.
31 b. No part of the ~~call~~ robocall is used to make a telephone solicitation.
32 c. The person making the ~~call~~ robocall clearly identifies the person's
33 name and contact information and the nature of the ~~unsolicited~~
34 ~~telephone call~~ robocall.
35 (2) Prior to the playing of the ~~recorded message, robocall~~, a live operator complies
36 with G.S. 75-102(c), states the nature and length in minutes of the recorded
37 message, and asks for and receives prior approval to play the recorded
38 message from the person receiving the call.
39 (3) The ~~unsolicited telephone call~~ robocall is in connection with an existing debt
40 or contract for which payment or performance has not been completed at the
41 time of the ~~unsolicited telephone call, robocall~~, and both of the following are
42 satisfied:
43 a. No part of the ~~call~~ robocall is used to make a telephone solicitation.
44 b. The person making the ~~call~~ robocall clearly identifies the person's
45 name and contact information and the nature of the ~~unsolicited~~
46 ~~telephone call~~ robocall.
47 (4) The ~~unsolicited telephone call~~ robocall is placed by a person with whom the
48 telephone subscriber has made an appointment, provided that the ~~call~~ robocall
49 is conveying information only about the appointment, or by a utility, telephone
50 company, cable television company, satellite television company, or similar
51 entity for the sole purpose of conveying information or news about network

- 1 outages, repairs or service interruptions, and confirmation ~~calls~~robocalls
2 related to restoration of service, and both of the following are satisfied:
- 3 a. No part of the ~~call~~robocall is used to make a telephone solicitation.
4 b. The person making the ~~call~~robocall clearly identifies the person's
5 name and contact information and the nature of the ~~unsolicited~~
6 ~~telephone call~~robocall.
- 7 (5) The person plays the ~~recorded message~~robocall in order to comply with
8 section 16 C.F.R. Part 310.4(b)(4) of the Telemarketing Sales Rule.
- 9 (6) The ~~unsolicited telephone call~~robocall is placed by, or on behalf of, a health
10 insurer as defined in G.S. 58-51-115(a)(2) from whom the telephone
11 subscriber or other covered family member of the health insurer receives
12 health care coverage or the administration of such coverage, provided that the
13 ~~call~~robocall is conveying information related to the telephone subscriber or
14 family member's health care, preventive services, medication or other covered
15 benefits, and both of the following are satisfied:
- 16 a. No part of the ~~call~~robocall is used to make a telephone solicitation.
17 b. The person making the ~~call~~robocall clearly identifies the person's
18 name and contact information and the nature of the ~~unsolicited~~
19 ~~telephone call~~robocall.
- 20 (7) No part of the ~~call~~robocall is used to make a telephone solicitation, the person
21 making the ~~call~~robocall clearly identifies the person's contact information and
22 the nature of the ~~unsolicited telephone call~~robocall, and the sole purpose of
23 the ~~unsolicited telephone call~~robocall is to protect the public health, safety,
24 or welfare, by informing the telephone subscriber of any of the following:
- 25 a. That the telephone subscriber has purchased a product that is subject
26 to a recall by the product's manufacturer, distributor or retailer, or by
27 the federal Consumer Product Safety Commission or another
28 government agency or department with legal authority to recall the
29 product which is the subject of the ~~call~~robocall, due to safety or health
30 concerns, provided that (i) there is a reasonable basis to believe that
31 the telephone subscriber has purchased the product, and (ii) the
32 message complies with any requirements imposed by any government
33 agency instituting the recall.
- 34 b. That the telephone subscriber may have received a prescription or
35 over-the-counter medication that is subject to a recall by the product's
36 manufacturer, distributor or retailer, or by the federal Food and Drug
37 Administration or another government agency or department with
38 legal authority to recall the product which is the subject of the ~~call~~
39 robocall, due to safety or health concerns, provided that (i) the ~~call~~
40 robocall and its message comply with the requirements of the Health
41 Insurance Portability and Accountability Act (P.L. 104-191) (HIPAA)
42 and any corresponding regulations pertaining to privacy, (ii) there is a
43 reasonable basis to believe that the telephone subscriber has purchased
44 or received the medication, and (iii) the message complies with any
45 requirements imposed by the government agency or product
46 manufacturer, distributor, or retailer instituting the recall.
- 47 c. That the telephone subscriber has not picked up a filled prescription
48 drug for which a valid prescription is on file with a pharmacy licensed
49 pursuant to G.S. 90-85.21 and the telephone subscriber requested that
50 the prescription be filled, provided that the ~~call~~robocall and its
51 message comply with the requirements of the Health Insurance

1 Portability and Accountability Act (P.L. 104-191) (HIPAA) and any
2 corresponding regulations pertaining to privacy.

- 3 (8) The ~~call-robocall~~ is generated from a court proceeding notification system
4 established by the Administrative Office of the Courts.

5 **"§ 75-104A. Restrictions on spoofing and impersonating government officials.**

6 (a) No telephone solicitor or robocaller shall cause misleading information to be
7 transmitted to users of caller identification technologies or otherwise block or misrepresent the
8 origin of a telephone solicitation or robocall with the intent to defraud, confuse, cause harm, or
9 wrongfully obtain anything of value, including, but not limited to, personal information. No
10 provider of telephone caller identification services shall be held liable for violations of this
11 subsection committed by other individuals or entities. It is not a violation of this subsection for a
12 telephone solicitor to utilize the name and number of the entity the solicitation is being made on
13 behalf of rather than the name and number of the telephone solicitor.

14 (b) No telephone solicitor or robocaller shall impersonate any federal, State, or local
15 government official, law enforcement professional, or government agency in order to defraud,
16 confuse, or financially or otherwise injure the telephone subscriber or in order to obtain personal
17 information from the telephone subscriber that may be used in a fraudulent or unlawful manner.

18 **"§ 75-105. Enforcement.**

19 (a) The Attorney General may investigate any complaints received alleging violation of
20 this Article. If the Attorney General finds that there has been a violation of this Article, the
21 Attorney General may bring an action to impose civil penalties and to seek any other appropriate
22 relief pursuant to this Chapter, including equitable relief to restrain the violation. If the Attorney
23 General brings an action on behalf of telephone subscribers pursuant to subsection (b) of this
24 section, the Attorney General may not seek treble damages on behalf of telephone subscribers
25 pursuant to G.S. 75-16. Actions for civil penalties under this section shall be consistent with the
26 provisions of this Chapter except that the penalty imposed for a violation of this Article shall be
27 either of the following:

- 28 (1) Five hundred dollars (\$500.00) for the first violation, one thousand dollars
29 (\$1,000) for the second violation, and five thousand dollars (\$5,000) for the
30 third and any other violation that occurs within two years of the first violation.
31 (2) One hundred dollars (\$100.00) for each violation within two years of the first
32 violation, if the solicitor or robocaller can show that the violations are the
33 result of a mistake and the telephone solicitor or robocaller either made the
34 telephone solicitation or robocall under G.S. 75-103(a)(1), (2), (3), (4), and
35 (5), or can show that the telephone solicitor complied with G.S. 75-102(d).
36 This subsection does not apply if the telephone solicitor or robocaller violated
37 G.S. 75-104A.

38 If a single call violates multiple provisions of this Article, penalties shall be assessed for each
39 violation of the provisions of this Article caused by that call.

40 (a1) There is a rebuttable presumption that a telephone subscriber with a North Carolina
41 area code is a North Carolina resident or in North Carolina at the time a telephone solicitation or
42 robocall is made.

43 (b) A telephone subscriber who has received a robocall or a telephone solicitation from
44 or on behalf of a telephone solicitor or robocaller in violation of this Article may bring any of the
45 following actions in civil court:

- 46 (1) An action to enjoin further violations of this Article by the telephone
47 ~~solicitor~~ solicitor or robocaller.
48 (2) An action to recover five hundred dollars (\$500.00) for the first violation, one
49 thousand dollars (\$1,000) for the second violation, and five thousand dollars
50 (\$5,000) for the third and any other violation that occurs within two years of
51 the first violation.

1 If a single call violates multiple provisions of this Article, penalties shall be assessed for each
2 violation of the provisions of this Article caused by that call.

3 (c) No action may be brought under subsection (b) of this section if the violations are a
4 result of mistake and the telephone solicitor either made the telephone solicitation under
5 G.S. 75-103(a)(1), (2), (3), (4), and (5), or can show that the telephone solicitor complied with
6 G.S. 75-102(d). An action may be brought under subsection (b) of this section if the telephone
7 solicitor or robocaller violated G.S. 75-104A.

8"

9 **SECTION 2.** G.S. 75-115(3) reads as rewritten:

10 "(3) Unsolicited advertisement. – Any material advertising the commercial
11 availability or quality of any property, goods, or services that is transmitted to
12 any person or entity without that person's or entity's ~~prior express invitation~~
13 ~~or permission.~~ prior express written consent. ~~Prior express invitation or~~
14 ~~permission may be obtained for a specific or unlimited number of~~
15 ~~advertisements and may be obtained for a specific or unlimited period of~~
16 ~~time.~~ written consent may be obtained in accordance with G.S. 75-101."

17 **SECTION 3.** This act becomes effective October 1, 2026, and applies, for causes of
18 action, to telephone solicitations in violation of this act occurring on or after that date.