

Arkansas

Telemarketing and Robocall Laws

Statutes, rules, and how they differ from the TCPA



By Adam Young and Harrison Gevirtz

<https://tcpa.com/state-telemarketing-laws/arkansas/>

01. Telemarketing (ch. 99)

ARK. CODE ANN. §§ 4-99-101 TO 4-99-408

Telephonic seller registration and bond, call disclosures, caller ID rules and the Consumer Telephone Privacy Act (do-not-call).

02. Criminal code and texts

ARK. CODE ANN. §§ 5-63-204, 5-63-205; 4-88-601

A felony ban on automated recorded sales calls, a felony spoofing offense, and the commercial text message law as amended in 2025.

AT A GLANCE

Arkansas at a glance

WHY ARKANSAS MATTERS

Using automated dialing to play a recorded sales message is a Class D felony, with no consent exception. Since August 5, 2025, commercial texts need sender, purpose and opt-out disclosures, and recipients can sue for \$10 per unlawful text.



Who and what is covered

A do-not-call "telephone solicitation" is a "telephone call or message" to encourage a purchase, investment or charitable gift, transmitted to a consumer (§ 4-99-403(6)(A)).

Text messages

No court has said whether "message" covers texts. The 2025 law covers commercial texts directly.

Aa. **Consumers**

Residential lines assigned in Arkansas; wireless lines are not addressed.

Bb. **Customers**

A financial transaction within 36 months excludes the call.

36

Cc. **Exempt**

Real estate, auto dealers, insurance and securities licensees, and others.





Automated sales calls

It is unlawful to offer goods or services by phone using "an automated system for the selection and dialing of telephone numbers and the playing of recorded messages" (§ 5-63-204(a)(1)).

No consent exception

Federal written consent does not satisfy Arkansas. A violation is a Class D felony.

Three narrow exceptions

Delivery notices, order status updates, and replies to a call the consumer made first.

01. Listed numbers

ARK. CODE ANN. § 4-99-405(1)

No telephone solicitation to a consumer in the then-current database. A violation is a deceptive trade practice.

02. Access the list first

ARK. CODE ANN. § 4-99-405(2)

Soliciting without first accessing the current database is a separate violation, even if the number is not listed.

DO-NOT-CALL

Do-not-call and opt-outs

IN PRACTICE

The Attorney General merged the Arkansas list with the national registry. The law also makes a violation of the FTC do-not-call rule, as in effect on March 1, 2003, a state violation. Scrub at least every 31 days.



Commercial text messages

Act 847 of 2025 brought text messages into the commercial email law, effective August 5, 2025. Violations are deceptive trade practices.

3

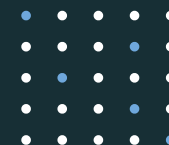
Text disclosures

Sender, purpose and how to opt out, even with a prior relationship (§ 4-88-603).



\$10 per unlawful text

Or \$25,000 a day if less, plus costs and fees for each prevailing recipient (§ 4-88-606(b)).



Honor opt-outs

No further commercial texts after an opt-out, directly or through affiliates.

Caller ID and disclosures

No telephone solicitation while blocking caller ID, and no "fictitious or misleading name or telephone number" on an Arkansas resident's caller ID (§ 4-99-302).

No state calling hours

No Arkansas statute sets calling hours. Federal 8 a.m. to 9 p.m. limits apply.

Aa. **Spoofing**

Misleading caller ID without a verified right to use it is a felony.

Bb. **Identify**

Give the caller, the company and the purpose immediately.

Cc. **Stop**

No more pitch once the person says they do not want to hear it.



Registration and bonding

A "telephonic seller" that makes free item, prize, discount or identity representations must register with the Secretary of State at least 10 days before doing business.

\$50,000

Required bond

A surety bond in favor of the State, plus an added bond for premiums of \$500 or more (§ 4-99-107).



\$100 filing fee

Registration lasts one year and renews for another \$100 (§ 4-99-104).



Salespeople too

Each salesperson registers within 72 hours of hire, for \$10.

Lawsuits and penalties



\$10

Per unlawful commercial text, or \$25,000 a day if less, plus fees. Calls need actual loss and reliance.

\$10,000

Attorney General penalty per violation under the Deceptive Trade Practices Act.

5 years



Limitations period for Chapter 88 actions. ADTPA private class actions are barred.



Arkansas vs. the TCPA

Arkansas is stricter on automated recorded sales calls (a felony with no consent exception), seller registration and bond, and accessing the do-not-call list. It is looser on its 36-month customer window and on private remedies for calls.

Arkansas

Recorded sales calls banned, \$50,000 bond, 36-month window, actual loss for call claims.

Federal TCPA

Prerecorded calls allowed with written consent, no bond, 18 months, \$500 to \$1,500 per call.

Key court rulings

Gresham v. Rutledge (E.D. Ark. 2016) held the automated call ban, as applied to political campaign calls, a content-based rule that fails strict scrutiny.

Texts after Steidinger

The 7th Circuit held in 2026 that § 227(c)(5) does not reach texts. Arkansas is in the 8th.

Aa. **Gresham**

Enforcement against political campaign calls was enjoined.

Bb. **Today**

The political clause is gone; the commercial ban remains in force.

2016

Cc. **Appellate**

No published appellate decision on these laws was located.



Amendment history



2003

FTC rule adopted

The do-not-call law incorporates the FTC rule as in effect on March 1, 2003.

2016

Gresham

Political campaign clause of the automated call ban enjoined.

2019

Act 677

Latest amendment shown for § 5-63-204 and the Chapter 99 sections.

2025

Act 847

Approved April 17, 2025; texts covered from August 5, 2025.

01. Calls

ARK. CODE ANN. CH. 99; § 5-63-204

- Scrub every 31 days; access the list before calling.
- No automated recorded sales messages; consent is not enough.
- Register, bond and register salespeople if covered.
- Identify at once and stop pitching after a no.

02. Caller ID and texts

§§ 4-99-302, 5-63-205; 4-88-603

- Send accurate caller ID; never block or spoof.
- Texts: sender, purpose and opt-out; honor opt-outs.
- Keep opt-out lists, procedures and training records.

CHECKLIST

Compliance checklist

PLEASE NOTE

This checklist summarizes state law for general information and is not legal advice. Statutes change; confirm current text with the official source.



Sources behind this deck

ARKANSAS LAW

[Ark. Code Ann. §§ 4-99-101 to 4-99-408](#)
telemarketing, caller ID, do-not-call

[Ark. Code Ann. §§ 4-88-113, 4-88-115](#) ADTPA
enforcement and limitations

[Ark. Code Ann. §§ 4-88-601 to 4-88-607](#)
commercial email and text messages

[Ark. Code Ann. § 5-63-204](#) automated recorded
sales calls

[Ark. Code Ann. § 5-63-205](#) caller ID spoofing

[Act 847 of 2025 \(HB 1957\)](#)

ARKANSAS LAW (CONTINUED)

[Op. Ark. Att'y Gen. No. 2025-032](#) effective date
of 2025 acts

[Arkansas AG: Do Not Call and Telemarketing](#)

COURT DECISIONS

[Gresham v. Rutledge](#), No. 4:16-cv-00241-JLH
(E.D. Ark. July 27, 2016)

[Steidinger v. Blackstone Medical Services, LLC](#),
No. 25-2398 (7th Cir. July 14, 2026)

FEDERAL LAW

[47 U.S.C. § 227](#) Telephone Consumer
Protection Act

[47 C.F.R. § 64.1200](#) FCC telemarketing and
robocall rules

[47 C.F.R. § 64.1601](#) FCC caller ID rules

[16 C.F.R. Part 310](#) FTC Telemarketing Sales
Rule

Read the full Arkansas guide: <https://tcpa.com/state-telemarketing-laws/arkansas/>

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The law changes

Current as of October 15, 2026. Statutes, FCC and FTC rules and court decisions change, and some changes are adopted before they take effect. This deck may not reflect later developments.

Courts disagree. Courts in different places can read the same rule differently. Case summaries are not predictions: any other matter turns on its own facts, court and law.

Check the official source. Verify each point against the statute, rule or opinion on the Sources slide. If an official source and this deck differ, the official source controls.

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Read the full Arkansas guide on TCPA.com

The guide covers do-not-call, the automated call felony, seller registration and bond, caller ID, the 2025 text message law, remedies and a checklist, with links to the sources.



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Adam Young is a Miami entrepreneur, the CEO of Ringba and the author of The Pay Per Call Revolution, with more than a decade in telecom, call routing and performance marketing. At TCPA.com he writes about the TCPA, robocall enforcement, tech support fraud cases and what DOJ, FTC and FCC actions mean for companies that make calls. His goal is simple: keep good companies compliant and keep scammers off the phone network.

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Harrison Gevirtz is the Chief Strategy Officer of Ringba, a call tracking and pay per call platform based in Las Vegas. He has worked for years in call tracking, call routing and telemarketing operations, with a focus on how federal regulations affect daily operations. At TCPA.com he covers TCPA litigation, TSR enforcement, tech support fraud prosecutions and FCC rulemaking for executives and compliance managers who are not lawyers.

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