

STATE TELEMARKETING LAWS

Montana

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/montana/>

01. Telemarketing Act

MCA 30-14-1401 TO 30-14-1414

Registration and bonding, call disclosures, a three-business-day cancellation right and abusive practice rules.

02. Automated solicitation

MCA 45-8-216

A criminal ban on recorded message dialing systems for sales and data gathering, unless a live operator gets permission.

AT A GLANCE

Montana at a glance

WHY MONTANA MATTERS

Montana requires registration with a \$50,000 bond, voids sales by unregistered telemarketers, and requires a live operator before any recorded sales message.



Who and what is covered

A "telemarketer" is anyone, "located within or outside of this state," who makes or takes telemarketing calls with a Montana consumer. Telemarketing is a campaign of more than one call.

Text messages

No Montana statute addresses marketing texts. A text in a telephone campaign may be covered, but no decision was located.

Aa. **Callers**

Sellers calling on their own behalf and telemarketers calling for a seller.

Bb. **Exempt**

Eighteen categories are exempt from registration and bonding only.

18

Cc. **Excluded**

Sales closed face to face, and calls the consumer starts unprompted.





Live operator first

Recorded message dialing systems may not be used to sell, solicit information or gather data unless "the permission of the called party is obtained by a live operator" first (MCA 45-8-216).

Narrow exceptions

Order status updates, replies to inquiries, and pertinent information within an existing relationship.

Criminal fine only

Up to \$2,500 per violation, with no private right of action. Federal consent rules also apply.

01. No state list

47 C.F.R. § 64.1200(C)(2)

Scrub against the National Do Not Call Registry under federal rules.

02. Company-specific requests

MCA 30-14-1412(1)(C)

Calling someone who opted out under the TSR and FCC rules is an abusive practice.

DO-NOT-CALL

Do-not-call and opt-outs

IN PRACTICE

Montana has no state list and no statute adopting the national registry, but federal registry rules still apply to calls into Montana.



Calling hours and abuse

Telemarketing to a residence is abusive "at any time other than between 8 a.m. and 9 p.m. local time at the called person's location" (MCA 30-14-1412(1)(d)).

9

p.m. cutoff

The same window as federal law. No frequency cap or Sunday rule.



Caller ID

No intentional blocking. An accurate substitute name and number is allowed.



Harassment

No threats or repeated calls a reasonable person would find harassing.

Disclosures and cancellation

Sellers must promptly disclose their identity, the sales purpose, the nature of the goods, and that no purchase is needed to win a prize (MCA 30-14-1410(1)).

Prohibited acts

No claiming state endorsement, assisting violators, advance fees for credit repair, or unauthorized demand drafts.

Aa. **Before pay**

Total cost, material restrictions and prize odds.

Bb. **Cancel**

A sale is not final until the buyer gets a 10-point bold cancellation notice.

3

Cc. **Records**

Keep scripts, customer, prize and employee records for 24 months.



Registration and bond

"Unless exempt under 30-14-1405, a person may not act as a seller or telemarketer without first having registered with the department" (MCA 30-14-1404(1)(a)).

\$50,000

Surety bond

Or a CD, cash or government bond, kept for a year after leaving Montana.



Annual renewal

Approval before selling, renewal every year, and disclosure of history.



Scripts on file

Include all scripts and sales materials telemarketers must use.



Penalties and lawsuits



\$500

Or actual damages, plus attorney fees, for a person who suffers loss or harm.

Void

Sales by an unregistered seller or telemarketer that must register are void.

\$10,000

Civil fine per willful violation. Repeat crimes carry up to \$50,000.





Montana vs. the TCPA

Montana is stricter on registration and bonding, void unregistered sales, the cancellation notice and the live operator rule for recorded calls. It is looser on do not call, texts and its \$500 remedy, which requires loss or harm.

Montana

\$50,000 bond, live operator before recordings, three-day cancellation, \$500 or actual loss.

Federal TCPA

No registration, written consent for robocalls, national registry, \$500 per violation.

Key court ruling

In Victory Processing v. Fox (9th Cir. 2019), the court held that Montana's ban on political robocalls fails strict scrutiny.

Still in the code

The political prong remains in the printed code, but the sales and data prongs were not challenged.

Aa. **Challenge**

A political consulting firm challenged MCA 45-8-216(1) (e).

Bb. **Holding**

A compelling interest, but the political ban was not narrowly tailored.

2019

Cc. **Limits**

The commercial prongs of the statute were not before the court.



Key dates



1991

Robocall statute

MCA 45-8-216 enacted; not amended since.



1999

Telemarketing Act

Registration act enacted; amended 2005, 2021.



2019

Victory Processing

Political robocall ban struck down.



2025

Consumer Act update

Limits on trebling and fees in 30-14-133.

01. Before you call

MCA 30-14-1404, 30-14-1405

- Check for an exemption first.
- Otherwise register and post the bond.
- Renew yearly and file current scripts.
- Scrub against the national registry.

02. On every call

MCA 30-14-1410, 30-14-1412; 45-8-216

- Disclose identity, purpose and goods.
- Live operator before any recording.
- Send the 3-day cancellation notice.

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

MONTANA LAW

[MCA Title 30, ch. 14, part 14](#) index

[MCA 30-14-1402](#) scope

[MCA 30-14-1403](#) definitions

[MCA 30-14-1404](#) registration and bond

[MCA 30-14-1405](#) exemptions

[MCA 30-14-1407](#) enforcement

[MCA 30-14-1408](#) recordkeeping

[MCA 30-14-1409](#) excluded calls

[MCA 30-14-1410](#) disclosures; cancellation

[MCA 30-14-1411](#) prohibited acts

MONTANA LAW (CONTINUED)

[MCA 30-14-1412](#) abusive practices

[MCA 30-14-1413](#) civil remedies

[MCA 30-14-1414](#) criminal penalties

[MCA 45-8-216](#) automated telephone solicitation

[MCA 30-14-133](#) consumer private action

[MCA 30-14-142](#) civil fines

[MCA 27-2-211](#) limitations

COURT DECISIONS

[Victory Processing, LLC v. Fox](#), No. 18-35163
(9th Cir. 2019)

FEDERAL LAW

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

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

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

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

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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 Montana guide on TCPA.com

The guide covers registration and bonding, the live operator rule, disclosures, cancellation, calling hours, penalties and a checklist, with links to official sources.



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Adam Young

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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