

STATE TELEMARKETING LAWS

New York

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/new-york/>

01. Do-not-call and calling rules

GBL § 399-Z

The national registry as the state list, hours, opening disclosures, prerecorded consent, opt-outs, caller ID, texts and data sharing.

02. Registration and robocalls

GBL §§ 399-PP, 399-P

Registration, a \$25,000 bond and abusive practices under § 399-pp; device rules and a private action under § 399-p.

AT A GLANCE

New York at a glance

WHY NEW YORK MATTERS

Every New York sales call must open, within 30 seconds, with the caller and seller names and an offer to join the do-not-call list. Telemarketers register and post a \$25,000 bond, and texts are expressly covered.



Who and what is covered

Under § 399-z, a "telemarketer" makes telemarketing sales calls or texts to a customer in New York for profit or commercial purposes. A "customer" is a natural person who lives in the state.

Texts expressly covered

Since 2021, "electronic messaging texts," including SMS and MMS marketing messages, are telemarketing sales calls.

Aa. **Requests**

Calls or texts made at the express written or verbal request of the customer.

Bb. **Business**

An unterminated business relationship, with no fixed time window.

2

Cc. **Inbound**

Section 399-pp registration also reaches inbound telemarketing.





Prerecorded call consent

Section 399-z(6) bars any prerecorded telemarketing sales call without a written agreement that includes the customer's telephone number and signature.

One named seller

Obtained after a clear and conspicuous disclosure of its purpose, naming the specific seller allowed to call.

Not a condition

The agreement may not be required, directly or indirectly, as a condition of buying any good or service.

01. National registry, 31 days

GBL § 399-Z(5)

No unsolicited sales call or text to a number on the national registry for 31 days. Safe harbor needs a fresh list, procedures and records.

02. Opt-out on every call

GBL § 399-Z(7) TO (9)

Live callers offer the seller's list and end the call on request. Robocalls need a keypress opt-out and a toll-free number for voicemail.

DO-NOT-CALL

Do-not-call and opt-outs

IN PRACTICE

No sharing a customer's name, number or email with anyone without the customer's written or electronic agreement (§ 399-z(10)). This reaches lead resale.



Hours and opening script

Section 399-z(2) allows telemarketing only from 8:00 a.m. to 9:00 p.m. at the customer's location, unless the customer consented to another time, and fixes how each call opens.

30

Seconds to disclose

All opening disclosures come at the beginning, no later than 30 seconds into the call.



Opt-out offer first

Names and the list offer, then whether the call is recorded, its purpose, and the goods or services offered.



Before any data

Disclose before asking for personal or financial information (§ 399-pp(6)(b)(1)).

Robocalls and caller ID

Section 399-p covers any equipment that stores numbers and plays a prerecorded message without an operator. No number generator is needed, so it is broader than the federal autodialer test.

Private action

A person who gets a call violating § 399-p(3), (4) or (5) can recover actual damages or \$50, up to \$1,000 if willful.

Aa. **Disclose**

Nature and caller at the start; address and number at the end.

Bb. **Dialing**

No random or sequential number generators; no emergency lines.

\$50

Cc. **Caller ID**

No misleading, false or blocked caller ID; seller ID allowed.



Registration and bonding

Under § 399-pp(3)(a), no one may act as a telemarketer without a certificate of registration from the Secretary of State. Nonprofits, charities and some long-standing New York retailers are exempt.

\$25,000

Required bond

A bond, letter of credit or certificate of deposit, kept for three years after telemarketing ends.



\$500 fee

Nonrefundable; the certificate lasts two years from registration.



No pay if unregistered

An unregistered telemarketer cannot enforce an agreement or collect payment.

Lawsuits and penalties



\$50

Actual damages or \$50 under § 399-p(9) and § 349(h), up to \$1,000 if willful or knowing.

\$20,000

Department of State fine per § 399-z violation after a hearing. Consumers cannot sue under § 399-z.

No class

CPLR 901(b) bars state class actions for statutory minimums unless a statute allows them.





New York vs. the TCPA

New York is stricter on registration and bonding, opening disclosures, immediate opt-outs, robocall equipment, emergency areas, seller liability and data sharing. Its remedies are far smaller than the TCPA's \$500 per call.

New York

Opt-out offered first, \$25,000 bond, no sales calls into emergency areas, \$50 to \$1,000 damages.

Federal TCPA

Opt-outs honored within 10 business days, no registration, \$500 per violation, up to triple.

Key court rulings

A federal court in New York held that § 399-z gives consumers no private right of action, and that § 399-p claims need prerecorded or autodialed calls.

Emergency areas

No knowingly unsolicited sales calls into a place under a declared state of emergency or disaster emergency (§ 399-z(5-a)).

Aa. **Oparaji**

E.D.N.Y. 2023: no private right of action under § 399-z.

Bb. **§ 399-p**

No prerecorded or ATDS allegation dooms the claim.

2023

Cc. **Agency**

The Department of State enforces § 399-z after hearings.



Recent amendments



Texts added

L.2021, ch.239 brought
"electronic messaging texts"
into § 399-z.



Opt-out first

L.2022, ch.660, effective
March 6, 2023: names and
opt-out first.



30-second rule

L.2024, ch.539: disclosures
within 30 seconds; seller
address.



FAIR Act

Effective Feb. 17, 2026; §
349(h) suits limited to
deceptive acts.

01. Register, script and opt out

GBL §§ 399-PP(3), 399-Z(2), (7) TO (9)

- Register, pay \$500, post \$25,000; renew every two years.
- Open with names and the opt-out offer in 30 seconds.
- End the call at once on an opt-out request.
- Add keypress and toll-free opt-outs to robocalls.

02. Lists, consent and data

GBL § 399-Z(5), (5-A), (6), (10)

- Scrub calls and texts every 31 days.
- Signed consent naming the seller for robocalls.
- No contact sharing without consent; no calls into emergency areas.

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

NEW YORK LAW

[GBL § 399-z](#) telemarketing; no telemarketing sales calls registry

[GBL § 399-pp](#) Telemarketing and Consumer Fraud and Abuse Prevention Act

[GBL § 399-p](#) automatic dialing-announcing devices

[GBL § 349](#) deceptive acts and practices

[CPLR 901](#) class actions

[NY Department of State](#), Division of Consumer Protection

NEW YORK BILLS

[A.6040 \(L.2021, ch.239\)](#) texts

[A.8319-C \(L.2022, ch.660\)](#) opening disclosures

[S.8182-B \(L.2024, ch.539\)](#) 30-second rule

[A.8427-A \(L.2025, ch.708\)](#) FAIR Business Practices Act

[S.8811 \(L.2026, ch.94\)](#) chapter amendment

COURT DECISIONS

[Oparaji v. Home Retention Corp.](#), No. 21-cv-2758 (E.D.N.Y. Feb. 22, 2023)

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](#) FTC Telemarketing Sales Rule

Read the full New York guide: <https://tcpa.com/state-telemarketing-laws/new-york/>

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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 New York guide on TCPA.com

The guide covers the do-not-call and opening-script rules, registration, robocalls, texts, remedies, a key ruling and a compliance checklist, with links to the official 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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