

STATE TELEMARKETING LAWS

North Dakota

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/north-dakota/>

01. Telephone Solicitations

N.D.C.C. CH. 51-28

Do-not-call after 31 days, caller disclosures, consent for prerecorded and synthesized messages, calling hours and a private action.

02. Caller ID spoofing

N.D.C.C. § 51-28-08.1

No misleading caller ID and no displaying a number the caller does not own or have consent to use, with mandatory damages.

AT A GLANCE

North Dakota at a glance

WHY NORTH DAKOTA MATTERS

North Dakota covers voice, text and other messages on every kind of line. Callers give their true full name, number, city and state, and a consumer can recover up to \$2,000 per violation, or \$5,000 to \$10,000 per spoofed call.



Who and what is covered

A "telephone solicitation" is any voice, text or other electronic communication over a telephone line to encourage charitable gifts or the purchase, rental or investment in goods or services.

Texts lose exemptions

Polling, face-to-face appointment and political messages are exempt by voice but are solicitations when sent as texts.

Aa. **All lines**

Wireline, cable, wireless, satellite and VoIP service to a subscriber.

Bb. **Charities**

Exempt only for volunteers or employees who disclose; paid fundraisers are covered.

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Cc. **Callers**

Anyone contacting a subscriber in the state, including from outside it.





Prerecorded and AI voices

No prerecorded or synthesized voice message to a subscriber unless the subscriber knowingly consented, or a live operator first obtains consent (§ 51-28-02). It applies to all content, and "synthesized" reaches AI voices.

Live-operator route

The operator first names the entity, the purpose, the goods or services and any request for payment.

Narrow exceptions

Public safety emergencies, school district messages, current business relationships and work schedules.

01. State list or national registry

N.D.C.C. §§ 51-28-06, 51-28-09

No solicitation to a number on the Attorney General's list or the national registry for at least 31 days. List data is for compliance only.

02. Business relationship: 24 months

N.D.C.C. § 51-28-01(4)

Based on a purchase, lease, financial transaction or free trial newspaper subscription. An inquiry alone does not count.

DO-NOT-CALL

Do-not-call and opt-outs

IN PRACTICE

Consent must be prior express written consent; the form is not specified. A state-list notice lasts five years, and list access costs no more than \$200 a quarter.



Calling hours and identity

Section 51-28-05 bars any telephone solicitation, and any use of an automatic dialing-announcing device, before 8 a.m. or after 9 p.m. at the subscriber's location.

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Opening disclosures

The caller's true first and last name, phone number, city and state, and the business (§ 51-28-07).



8 a.m. to 9 p.m.

Covers solicitations and all automatic dialer use, whatever the content.



Fast disconnect

Dialers must release the line within 10 seconds after the subscriber hangs up.

Dialers and caller ID

An automatic dialing-announcing device selects and dials numbers and plays a prerecorded or synthesized voice message. In 2006 the state supreme court held the device rule not preempted.

Spoofing law, 2019

House Bill 1161 created § 51-28-08.1, which applies to any person, not only solicitors. A violation is a class A misdemeanor.

Aa. **Blocking**

Solicitors may not block or circumvent caller ID.

Bb. **Spoofing**

No number the caller does not own or may not use; no intent needed.

2019

Cc. **Generators**

Skip emergency, hospital, cell and do-not-call numbers.



Attorney General powers

The Attorney General has all powers under Chapter 51-28 and the consumer fraud law, Chapter 51-15, and may sue in the subscriber's county or Burleigh County.

\$5,000

Ch. 51-15 penalty

A Chapter 51-28 violation is also a consumer fraud violation, with penalties up to \$5,000 each.



Cease and desist

Orders may issue without notice and hearing (§ 51-28-14).



\$2,000 penalties

Administrative or court civil penalties per violation, plus fees and costs.

Lawsuits and penalties



\$2,000

Actual damages or up to \$2,000 per violation for any solicitation or message violating the chapter.

\$10,000

Spoofing: actual damages or \$5,000 to \$10,000 per call, with mandatory costs and fees.

1 year

Limitations period from when the violation was or should have been known. The TCPA allows four.





North Dakota vs. the TCPA

North Dakota is stricter on caller disclosures, prerecorded and AI messages, political and polling texts, charities, spoofing and per-violation damages. It is narrower in its one-year limitations period and no inquiry-based relationship.

North Dakota

Full name and location disclosed, consent for all recordings, up to \$2,000 per violation, one year to sue.

Federal TCPA

Name and contact disclosed, consent for telemarketing robocalls, \$500 per violation, four years.

Key court rulings

The Eighth Circuit upheld North Dakota's narrow charitable exemption against a First Amendment challenge, and it remains the leading authority.

Intermediate scrutiny

Residential privacy is a significant interest, and the law is narrowly tailored. One judge dissented.

Aa. **FOP**

8th Cir. 2005: the act is content neutral and valid.

Bb. **Charities**

Paid fundraisers must honor the do-not-call list.

2005

Cc. **FreeEats**

N.D. 2006: the dialer rule is not preempted.

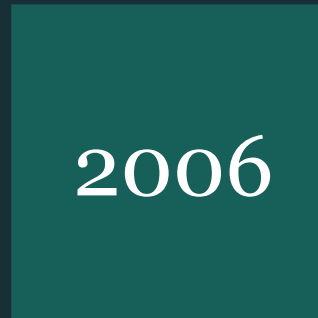


Key dates



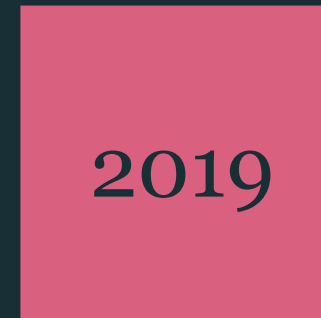
FOP upheld

Eighth Circuit sustains the charitable exemption limits.



FreeEats

State supreme court: dialer rule not preempted.



HB 1161

Created the caller ID spoofing law, § 51-28-08.1.



No new changes

No Chapter 51-28 amendment in the 2023 or 2025 sessions.

01. Lists, scripts and texts

N.D.C.C. §§ 51-28-01, 51-28-06, 51-28-07

- Scrub calls and texts every 31 days, all line types.
- Keep written consent or a purchase within 24 months.
- Treat political, polling and appointment texts as covered.
- Open with full name, number, city, state and business.

02. Recordings, hours, caller ID

N.D.C.C. §§ 51-28-02 TO 51-28-08.1

- No recorded or AI voice without consent or a live operator.
- Call 8 a.m. to 9 p.m.; disconnect within 10 seconds.
- Show only numbers you own or may use; never block.

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

NORTH DAKOTA LAW

[N.D.C.C. ch. 51-28](#) Telephone Solicitations

[N.D.C.C. ch. 51-15](#) Consumer Fraud and Unlawful Credit Practices

[House Bill 1161 \(2019\)](#) engrossment with Senate amendments

[Session Laws 2025](#), Sales and Exchanges

[Session Laws 2023](#), Sales and Exchanges

[ND Attorney General](#), Consumer Protection and Antitrust Division

COURT DECISIONS

[Fraternal Order of Police v. Stenehjem](#), 431 F.3d 591 (8th Cir. 2005)

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. § 68.318](#) FCC disconnect rule

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

Read the full North Dakota guide: <https://tcpa.com/state-telemarketing-laws/north-dakota/>

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Full text: <https://tcpa.com/disclaimer/> and <https://tcpa.com/terms/>

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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 North Dakota guide on TCPA.com

The guide covers coverage of calls and texts, do-not-call, prerecorded and AI voices, caller ID spoofing, penalties, key rulings and a 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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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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