

STATE TELEMARKETING LAWS

West Virginia

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/west-virginia/>

01. Registration and bonding

W. VA. CODE §§ 46A-6F-301, 302

Register with the Department of Tax and Revenue 60 days before offering, renew annually, and keep a \$100,000 or \$500,000 bond.

02. Abusive and deceptive acts

§§ 46A-6F-501, 601, 701

8 a.m. to 9 p.m. hours, company do-not-call requests, caller ID spoofing, payment rules and a private right of action.

AT A GLANCE

West Virginia at a glance

WHY WEST VIRGINIA MATTERS

Telemarketers register and post a bond before calling. Penalties run \$100 to \$3,000 per violation, can be adjusted for inflation, and can be added on top of TCPA damages for the same call.



Who and what is covered

A "telemarketing solicitation" is any communication between a telemarketer and a prospective purchaser to sell consumer goods or services, by unsolicited call or by inviting a reply (§ 46A-6F-112).

Inbound calls count

The second trigger reaches inbound telemarketing generated by mail, print, broadcast or electronic ads.

Aa. **Callers**

Anyone calling or receiving calls, by salesperson or automated dialing machine.

Bb. **Exemptions**

Sections 201 to 220 exempt many sellers; courts read them narrowly.

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Cc. **Goods**

Personal, family, household or agricultural goods, and investment offers.





Payment authorization

West Virginia has no state consent rule for calls or texts.
Article 6F instead makes it unfair or deceptive to take payment
without express verifiable authorization (§ 46A-6F-501).

Checks and drafts

Written authorization, a taped oral
authorization of the terms, or a written
confirmation sent first.

Couriers

No courier pickup of payment unless the
consumer asked and could inspect the
goods first.

01. Company requests

§ 46A-6F-601(a)(3)

It is abusive to call a person who has said they do not want calls from that telemarketer. The request has no time limit.

02. Safe harbor

§ 46A-6F-601(b)

Written procedures, trained staff, a recorded list, and any later call is the result of error.

DO-NOT-CALL

Do-not-call and opt-outs

IN PRACTICE

West Virginia keeps no state do-not-call list and does not incorporate the National Do Not Call Registry. Registry calls are actionable only under federal law.



Calling hours and disclosures

It is abusive to telemarket to a residence other than between 8 a.m. and 9 p.m. local time, Monday through Sunday, at the called person's location (§ 46A-6F-601(a)(4)).

9

Last call, 9 p.m.

The same window as federal law, seven days a week. No Sunday or holiday rule.



Prompt disclosures

True identity, that the call is to sell, and what is offered.



No frequency cap

No numeric limit, but repeated harassing calls are abusive.

Robocalls and caller ID

Article 6F does not regulate autodialers or prerecorded messages as such. It treats calls made through an automated dialing machine like any other telemarketing (§ 46A-6F-113(b)).

Federal rules govern

Autodialed and prerecorded calls fall under the TCPA; there is no state definition for Duguid to narrow.

Aa. **Dialers**

Bills to add a state robocall act did not pass.

Bb. **Spoofing**

Misleading caller ID or circumventing caller ID is unfair or deceptive.

2018

Cc. **Texts**

No text rule; a text inviting a sales call may be part of a solicitation.



Registration and bonding

No person may act as a telemarketer without first registering with the secretary of the Department of Tax and Revenue, then renewing every year (§ 46A-6F-301).

60

Days before calling

Apply at least 60 days before offering.
Penalty up to \$5,000 for unregistered calling.



Bond

\$100,000 per location or \$500,000 for all, kept for three years after closing.



Seven-day returns

A return or cancellation policy of at least seven days; refunds within 30 days.



Lawsuits and penalties



\$3,000

Top penalty per violation, plus actual damages; the floor is \$100 and sales are void.

\$5,373

Inflation-adjusted top penalty per call upheld in *Mey v. Phillips*.

\$5,000

AG civil penalty per violation for repeated and willful violations.





West Virginia vs. the TCPA

West Virginia is stricter on registration, bonding, refunds, disclosures and penalties that stack on TCPA damages. It is silent on robocalls, texts and the registry, with broad exemptions and two years to sue.

West Virginia

Register and bond, \$100 to \$3,000 per violation, stacks on the TCPA, two years.

Federal TCPA

No registration, \$500 per call, up to three times if willful, four years.

Key court rulings

Federal courts in West Virginia have defined how Article 6F penalties are counted and who can claim an exemption.

Penalties per call

One state penalty per call, adjusted for inflation, on top of TCPA damages for the same call.

Aa. **Phillips**

4th Cir. 2023: stacking with the TCPA is allowed.

Bb. **Medguard**

N.D. W. Va. 2021: no ascertainable loss or pre-suit notice needed.

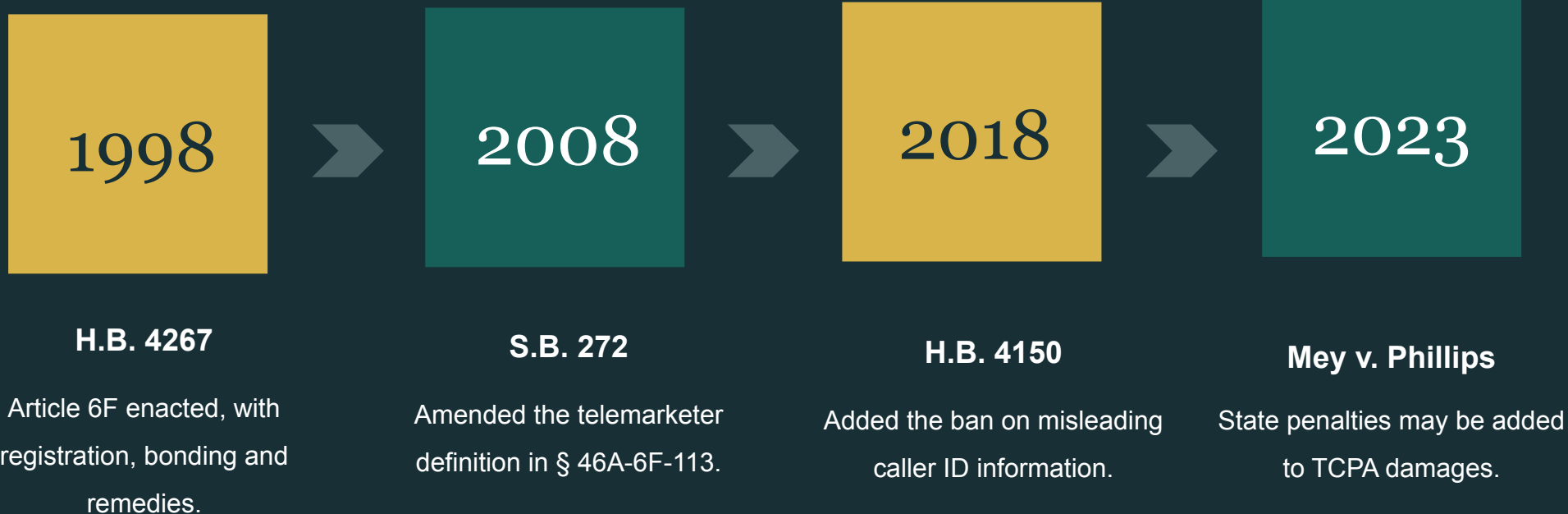
2021

Cc. **Castle**

N.D. W. Va. 2020: licensee exemption does not cover all attorneys.



Legal history



01. Register, bond, disclose

§§ 46A-6F-301, 302, 401, 402

- Register 60 days ahead unless an exemption applies.
- Keep the bond or an approved substitute in force.
- Disclose identity, purpose and goods at the start.
- Offer a seven-day return policy; refund in 30 days.

02. Calls, opt-outs, payments

§§ 46A-6F-501, 601

- Call residences only 8 a.m. to 9 p.m. local time.
- Record and honor every do-not-call request.
- No misleading caller ID; verify check payments.

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

WEST VIRGINIA LAW

[W. Va. Code art. 46A-6F](#) Telemarketing

[§ 46A-6F-112](#) telemarketing solicitation

[§ 46A-6F-113](#) telemarketer

[§ 46A-6F-301](#) registration

[§ 46A-6F-302](#) bond

[§ 46A-6F-303](#) registration penalties

[§ 46A-6F-401](#) disclosures

[§ 46A-6F-402](#) returns and cancellation

[§ 46A-6F-501](#) unfair or deceptive acts

[§ 46A-6F-502](#) private remedies

WEST VIRGINIA LAW (CONTINUED)

[§ 46A-6F-601](#) abusive acts

[§ 46A-6F-701](#) civil remedies

[§ 46A-7-111](#) civil penalties

[2018 H.B. 4150](#) enrolled bill

[H.B. 5251 \(2024\)](#) bill history

COURT DECISIONS

[Mey v. Phillips](#), 71 F.4th 203 (4th Cir. 2023)

[Mey v. Medguard Alert, Inc.](#), (N.D. W. Va. 2021)

[Mey v. Castle Law Group, PC](#), (N.D. W. Va. 2020)

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 West Virginia guide: <https://tcpa.com/state-telemarketing-laws/west-virginia/>

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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 West Virginia guide on TCPA.com

The guide covers registration and bonding, calling hours, do-not-call requests, caller ID, refunds, penalties and key rulings, 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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