

COMMENTS ON IMPLEMENTATION OF  
NATIONAL DO NOT CALL REGISTRY

Comment by:

Tom Morgan  
Associate Counsel  
Texas Association of REALTORS®  
P.O. Box 2246  
Austin, Texas 78768-2246  
Ph: 512-370-2115  
e-mail: [tmorgan@texasrealtors.com](mailto:tmorgan@texasrealtors.com)

The Texas Association of REALTORS® (TAR) opposes the creation of a National Do Not Call Registry because of concerns that the excessive costs that such a registry would impose on small businesses would vastly outweigh the benefit to the public. TAR believes that the requirement of complying with a National Do Not Call Registry would add no additional consumer protections to those found in the CAN SPAM Act and Texas state law. TAR is concerned that the imposition of such a registry would only hinder legitimate business communication while doing nothing to prevent large-scale abuses by unscrupulous offshore spammers.

TAR believes the current requirement that unsolicited e-mail contain an unsubscribe option affords e-mail recipients an adequate opportunity to end unsolicited e-mails from legitimate sources. This mechanism allows businesses to communicate with consumers with an interest in products and services offered by the business community while preserving the rights of the e-mail recipients to end any unwanted communication.

If a National Do Not Call Registry is implemented, TAR recommends that compliance with the list be required individually by independent contractors rather than on a company-wide basis. In the typical real estate brokerage office, brokers have contractual relationships with independent contractors who work as sales agents under the individual broker's license. The independent contractor arrangement allows the sales agents maximum flexibility and efficiency in the marketplace. The independent contractor should, therefore, be responsible for compliance with the Registry.

Thank you for the opportunity to comment.