



## Arizona

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### Does your state have its own version of the TCPA?

Yes, Arizona has its own state statute restricting telephone solicitations and allowing a private right of action for violations. Ariz. Rev. Stat. Ann. § 44-1271, *et seq.*

### *If so, please explain the distinction between the state's iteration of the TCPA.*

The Arizona statute generally prohibits the same conduct as the federal TCPA. Ariz. Rev. Stat. Ann. § 44-1282. However, Arizona also requires sellers who engage in telephone solicitations to Arizona residents to register with the Arizona Secretary of State. Ariz. Rev. Stat. Ann. § 44-1272. Making telephone solicitations when not registered to do so is a class 5 felony. Ariz. Rev. Stat. Ann. § 44-1277. Limited exceptions to the registration requirement are listed at Ariz. Rev. Stat. Ann. § 44-1273.

Registered telephone solicitors are also required to maintain a bond of \$100,000 to cover potential violations. Ariz. Rev. Stat. Ann. § 44-1274.

Arizona law also requires telephone solicitors to identify themselves, the seller on whose behalf they are calling, and the seller's principal physical location. Ariz. Rev. Stat. Ann. § 44-1276.A. It also requires that telephone solicitors disclose:

- "Any charge, including the amount for the use of any premium being offered."
- "Any material restriction, requirement, condition, limitation or exception that is associated with the use of the premium."
- "Any charge connected with the sale of merchandise."
- "The time period within which any premium will be delivered."
- "The consumer's right to cancel the transaction."

Ariz. Rev. Stat. Ann. § 44-1276.B.

Telephone solicitors are required to provide consumers with oral and written notice of their right to cancel a transaction. Ariz. Rev. Stat. Ann. § 44-1276.D.

Arizona's statute allows consumers to rescind a transaction made by an unregistered seller through a telephone solicitation and recover any money paid in the transaction along with actual damages and reasonable attorneys' fees. Ariz. Rev. Stat. Ann. § 44-1279.

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### **Please address state specific consumer protection statutes that are often paired with TCPA or its state iterations and the additional element and penalties.**

Arizona has a statute generally prohibiting “the use of deceptive or unfair act[s] or practice[s]” in connection with sales. Ariz. Rev. Stat. Ann. § 44-1522. Arizona courts have interpreted this statute to create a private right of action. E.g., Sellinger v. Freeway Mobile Home Sales, Inc., 110 Ariz. 573, 576, 521 P.2d 1119, 1122 (1974). One may expect to see a claim under this consumer protection statute alongside a claim for violation of Arizona’s telephone solicitation statute.

### **What are the current best practices to comply with the State’s iteration of the TCPA?**

Register with the Arizona Secretary of State before engaging in telephone solicitations to Arizona residents.