

# What Every Organization Needs to Know About Telemarketing Quiet Hours

Prepared by PossibleNOW's sister company, CompliancePoint

Telemarketing "quiet hours" are one of the most basic — and most frequently violated — requirements in telemarketing law. While many organizations believe compliance is as simple as configuring a dialer, regulators and plaintiffs' attorneys increasingly focus on how companies monitor, enforce, and audit those restrictions over time.

In today's enforcement environment, it's no longer enough to say "our system is set up correctly." Organizations must be able to prove they actively monitor compliance, detect violations, and remediate issues promptly.

## What are Telemarketing Quiet Hours?

Quiet hours restrict the times during which telemarketing calls or texts may be placed to consumers. In the U.S., the most widely known standard comes from the TCPA and FTC Telemarketing Sales Rule (TSR):

- No calls before 8:00 a.m.
- No calls after 9:00 p.m.
- Time is measured at the consumer's local time, not the caller's

Many states impose stricter quiet hours, including earlier cut-off times, weekend restrictions, or industry-specific rules. International regulations often go even further.

## Why Monitoring and Enforcement Matter More Than Ever

Regulators and courts are increasingly skeptical of "paper compliance" — policies that exist but are not operationally enforced. In enforcement actions and TCPA litigation, **the question is no longer:**

"Did you intend to comply?"

**But rather:**

"What systems, controls, and audits did you have in place to ensure compliance — and how did you respond when something went wrong?"

## Failure to actively monitor quiet hours can expose organizations to:

- Statutory damages under the TCPA
- State attorney general enforcement actions
- Class action exposure
- Reputational damage and carrier blocking

## Common Quiet Hours Compliance Failures:

- 1. Time zone errors:** Incorrect mapping of area codes to consumer location, outdated time-zone databases, or reliance on billing address instead of real-time location data.
- 2. Dialer or vendor misconfigurations:** Third-party dialers, CRMs, or lead platforms may default to caller-based time zones or fail to account for daylight saving time changes.
- 3. Manual overrides or agent behavior:** Agents manually dialing leads outside approved windows or reusing previously compliant leads at a later time.
- 4. Vendor and lead generator risk:** Calls placed "on your behalf" by vendors still create liability if quiet hours are violated.

## Building an Effective Monitoring Program

A defensible quiet hours compliance program includes real-time controls and retrospective oversight.

### Real-Time Safeguards

- Systemic automatic call blocking outside permitted hours
- Consumer-local time calculation at the moment of dialing
- Hard stops that cannot be overridden by agents
- State-specific and campaign-specific calling rules

### Ongoing Monitoring

- Weekly or monthly reports showing calls by time zone and call time
- Exception reporting for any calls near cutoff thresholds
- Alerts when systems detect calls placed outside allowed windows

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## Enforcement: What Happens When Violations Occur?

Monitoring without enforcement is meaningless. Regulators expect organizations to act when violations are discovered.

### Best practices include:

- Immediate suspension of affected campaigns or vendors
- Root-cause analysis (technology, data, training, or process)
- Corrective configuration changes
- Agent retraining or disciplinary action where appropriate
- Documentation of remediation steps

An organization that can demonstrate swift, documented corrective action is far better positioned during an audit or investigation.

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## Audits: Your Strongest Defensive Tool

Regular audits help identify compliance gaps before regulators or plaintiffs do.

### Internal Audits

- Sampling call logs by time zone and date
- Verifying system settings against written policies
- Reviewing vendor compliance certifications
- Testing daylight saving time transitions

### Third-Party Audits

Independent audits carry additional weight and can:

- Validate technical controls
- Identify blind spots internal teams may miss
- Provide defensible evidence of good-faith compliance

Audit findings should always result in documented follow-up actions.

## Documentation is Critical

In enforcement actions, documentation often matters as much as the controls themselves. Organizations should maintain records of:

- Quiet hours policies and procedures
- System configuration settings
- Monitoring reports
- Audit results
- Remediation and training efforts

## The Bottom Line

Quiet hours compliance is no longer a "set it and forget it" exercise. Regulators expect organizations to:

- Proactively monitor calling activity
- Enforce restrictions consistently
- Audit systems and vendors regularly
- Document every step of the process

If it isn't documented, regulators may assume it didn't happen. Companies that treat quiet hours as a living compliance obligation — rather than a one-time configuration — are far better positioned to withstand audits, enforcement actions, and litigation.

In telemarketing compliance, how you monitor and enforce the rules can be just as important as the rules themselves.

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