



Limited Telephone Solicitation Popular Questions

❖ What is the definition of a limited telephone solicitor?

Beginning August 6, 1999, “Any seller qualified by section [44-1273](#), subsection B shall file with the Secretary of State a Limited Registration statement on a form prescribed by the Secretary of State before the seller solicits any consumer from a location in this state or any consumer located in this state.”

Definition:

1. A person acting within the scope of a license issued under title 6 or 32 or by the corporation commission pursuant to this title, except persons licensed under title 6, chapter 13.
2. If soliciting within the scope of the license, any licensed securities, commodities or investments broker, dealer or investment advisor or any licensed associated person of a securities, commodities or investments broker, dealer or investment advisor.
3. An issuer or a subsidiary of an issuer that has a class of securities that is subject to section 12 of the securities exchange act of 1934 (15 United States Code sections 78a through 7811) and that is either registered or exempt from registration under paragraph (A), (B), (C), (E), (F), (G) or (H) or subsection (g)(2) of section 12 of the act. A subsidiary of an issuer that qualifies for exemption under this paragraph is not exempt unless at least sixty per cent of the voting power of the subsidiary's shares is owned by the qualifying issuer or issuers.
4. A person certificated or regulated by the corporation commission pursuant to title 40, chapter 2 or a subsidiary of that person or a federal communications commission licensed cellular telephone company or radio telecommunication services provider.
5. A person making telephone solicitations for a newspaper of general circulation, a magazine or a licensed or franchised cable television system.
6. An issuer or subsidiary of an issuer that is subject to registration under chapter 12, article 6 or 7 of this title or that is exempt from registration under section 44-1843, paragraph 1, 2, 3, 4, 5, 7 or 9.
7. A person making telephone solicitations for the sale or purchase of books, recordings, videocassettes and similar goods through a membership group or club regulated by the federal trade commission or through a contractual plan or arrangement such as a continuity plan, subscription arrangement, series arrangement or single purchase under which the seller ships goods to a consumer who has consented in advance to receive those goods and the recipient is given the opportunity to review goods for at least seven days and to receive a full refund for return of undamaged goods. A person or solicitor for a person when soliciting previous customers, if all of the following apply:
 - a. The person is not offering to sell or selling a security that is not registered with any state or federal authority.
 - b. The person makes the solicitation under the same name as the name used to sell merchandise to the customer previously. The person does not operate a recovery service.
 - c. The person does not conduct a prize promotion that requires a consumer to, or implies that to win a consumer must, pay money or purchase merchandise.
 - d. The person has not, or any of its principals have not, within twenty years been convicted in any state of a felony or a crime of moral turpitude, breach of trust, fraud, theft, dishonesty or violation of telephone solicitation laws, been subject to a final judgment in a civil action involving fraud, deceit or misrepresentation or been subject to an administrative order involving fraud, deceit, misrepresentation or any violation of telephone solicitations laws of any agency of this state, another state, the federal government, a territory of the United States or another country.



8. A person making telephone solicitations exclusively for the purpose of the sale of telephone answering services to be provided by that person or that person's employer.
9. Any bank holding company, bank, financial institution, trust company, savings and loan association, credit union, mortgage banker or broker, consumer lender or insurer that is licensed or supervised by an official or agency of this state, any other state or the United States, including any parent, subsidiary or affiliate of these institutions.
10. A person providing telemarketing sales service continuously for at least five years under the same ownership and control that derives seventy-five per cent of its gross telemarketing sales revenues from contracts with persons exempted by this section. A seller using an exempt telemarketing sales service is not exempt unless otherwise qualifying for an exemption under this section.

The Seller must file with Secretary of State prior to soliciting from within the state of Arizona or calling consumers located in Arizona:

- True Legal name of seller (corp, LLC, LP)
- All of the names under which the Seller is "Doing Business As" (DBA)
- Addresses, phone numbers from which business is conducted
- Name and address of the seller's agent who is authorized to receive Service of Process

❖ **How do I register my business as a limited telephone solicitor?**

Many telephone solicitors in Arizona qualify to register as a "limited telephone solicitor" instead of a "full telephone solicitor." To determine whether your telephone solicitation business must file a full or limited registration statement, or is exempt altogether, please see the Arizona Revised Statutes (A.R.S.) or consult with your attorney. Statutes governing registrations are found in A.R.S. [Title 44](#), Chapter 9, Article 6.

Registration forms are available [online](#). There is no filing fee, no annual report and no surety bond is required.

❖ **How do I find out if a telephone solicitor is registered with the Secretary of State?**

The public can search the [Secretary of State's online database](#) to see what companies have registered as telephone solicitors in Arizona. Individuals without internet access may call the office at 602-542-6187 and staff will be happy to assist in the search.

❖ **How do I file?**

Full Telephone Solicitors may fill out a [Telephone Solicitation Registration Form](#) and then mail the completed form and payment to the address below. Limited Telephone Solicitors may fill out a [Limited Telephone Solicitation Registration Form](#) and then mail completed form, no fees required, to:

Filing By Mail:

Secretary of State
Attn: Telephone Solicitation Dept.
1700 W. Washington Street, Fl. 7
Phoenix, AZ 85007-2808

In-Person Filing:

Phoenix Office
State Capitol Executive Tower
1700 W. Washington Street
First Floor, Ste. 103

Tucson Office
Arizona State Complex Building
400 W. Congress
First Floor, Ste. 141



❖ **How do I update my registration?**

- ❖ Full Telephone Solicitors may fill out a [Telephone Solicitation Registration Form](#) and then mail the completed form and payment to the address below. Limited Telephone Solicitors may fill out a [Limited Telephone Solicitation Registration Form](#) and then mail completed form, no fees required, to:

Filing By Mail:

Secretary of State
Attn: Telephone Solicitation Dept.
1700 W. Washington Street, Fl. 7
Phoenix, AZ 85007-2808

In-Person Filing:

Phoenix Office

State Capitol Executive Tower
1700 W. Washington Street
First Floor, Ste. 103

Tucson Office

Arizona State Complex Building
400 W. Congress
First Floor, Ste. 141

❖ **What is a "Service of Process Agent"?**

A Service of Process Agent is authorized by a business to receive legal documents on behalf of the business in Arizona. Do not submit a P.O. Box Address.

❖ **What laws govern the registration of telephone solicitors?**

Statutory authority for the registration of telephone solicitation businesses and limited telephone solicitation business can be found in A.R.S. §§ 44-1271 through 44-1278.

❖ **What if I can't print my filled out form for my records?**

If you are either unable to view the completed ONLINE form or unable to print the ONLINE form, a notification of registration may be emailed or mailed to you at request. Please contact us via [email](#) to request a confirmation.

❖ **Where can I find a listing of exemptions from full and limited telephone solicitation registrations?**

The listing of entities that qualify for exemption from registration as either a full or limited telephone solicitor in Arizona may be found in [A.R.S. § 44-1273](#).

❖ **Where do I find the list of limited registration categories?**

The listing of entities that qualify as limited telephone solicitors in Arizona may be found in [A.R.S. § 44-1273\(B\)](#).