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No Call Mandates Create Whole New Selling World

by Dirk Zeller

It's common to human nature to ignore things until forced to pay attention to them, often prompted by deadlines. Well, as of October 1, those who make their living using the telephone now have to pay attention to the amended Telemarketing Sales Rules (TSR) that, in effect, created the National Do Not Call Registry. This legislation will significantly change how we involved in consumer direct selling, including Realtors, make contact with potential clients.

In addition to ignoring things we don't want to think about, we also tend not to make the effort to understand them and how they will impact us until the deadlines loom. Now that the National Do Not Call Registry is in effect, it can't be ignored any longer.

In effect, the legislation will have a two-part impact -- it eliminates unrestricted contact with a huge pool of potential clients, and it creates additional work and expense to determine exactly who those people are that can't be contacted.

Some of the details according to the Federal Trade Commission's Do Not Call web site include:

- The National Do No Call Registry is a list of phone numbers from consumers who have indicated that they want to limit the telemarketing calls they receive.
- Registration is voluntary and must be initiated by the consumer.
- The registry is managed by the Federal Trade Commission and will be enforced by the Federal Communications Commission and state consumer protection agencies.

While the federal legislation has taken effect, there



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is still a great deal of confusion about how it duplicates already existing state "no call" lists, exactly what kind of contact will be prohibited under the new rules, and what organizations are exempted.

According to the FTC, "The do not call provisions of the TSR cover any plan, program or campaign to sell goods or services through interstate phone calls. This includes calls by telemarketers who solicit consumers, often on behalf of third party sellers. It also includes sellers who are paid to provide, offer to provide or arrange to provide goods and services to consumers." In short, telemarketing is defined as calls that solicit the sales of goods and services, including real estate representation and transactions.

(One might assume the new national law wouldn't affect Realtors too significantly because the "interstate" language naturally exempts most of them since Realtors tend to be licensed and work in one state. On the contrary, 31 states have already enacted no call legislation; they just didn't get much attention -- or subscription -- until the federal option and the subsequent media coverage came along. Now companies will be forced to purchase, merge and maintain two "no call" lists.)

Exempted from this definition are calls from political organizations, charities, telephone surveyors or companies with which a consumer has an existing business relationship.

It is in this exemption language that consumers will find that their perceptions of what "no call" means are wrong. As of September 1, the FTC reported that more than 48.8 million American had registered phone numbers on the National Do Not Call list. Consumers are expecting that since they are on the national list, they will never be called again, that an annoying telemarketer will never interrupt their dinner hour again. It won't be long before that myth is exposed. Because of the confusion between state and national legislation, I truly believe that even people on "No Call" lists will receive as many calls as they did previously, and, in some cases, they will receive more.

The key to future success in consumer direct sales and continued customer confidence in you as a sales professional is understanding the provision of "established business relationship" in the amended rules, and how to take advantage of it to move

your selling philosophies and practices to a new level of innovation and success.

Among all the media hype about this new legislation, almost nothing has been done to educate consumers about this key exemption that states " ... a company with which a consumer has an established business relationship may call for up to 18 months after the consumer's last purchase, last delivery, or last payment ..." even if they have registered with the no call list.

Just think. How many transactions has the average American consumer willingly participated in over the last 18 months? Of which, each and every one makes them eligible for continued telemarketing calls. So, understand that the do not call list is not a mandate to not call. The Do Not Call list is really a "do not call strangers" list. That is really the only restriction that is placed on salespeople, including Realtors, with this new law.

Essentially, you can legally call anyone that is not a stranger to you. As a result, successful sales people involved in consumer direct selling must revise their thinking to embrace the "No Call" list. Instead of treating it as an expensive inconvenient barrier that will hamper your ability to generate new prospects, treat it as a motivator to become a truly focused and effective sales prospector, using existing relationships as the ultimate sales tool.

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Dirk Zeller is the president and head coach for Real Estate Champions. He is one of the most sought after speakers and authors for high volume production with life balance in the real estate industry. Real Estate Champions provides exceptional business and developmental training to real estate

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