

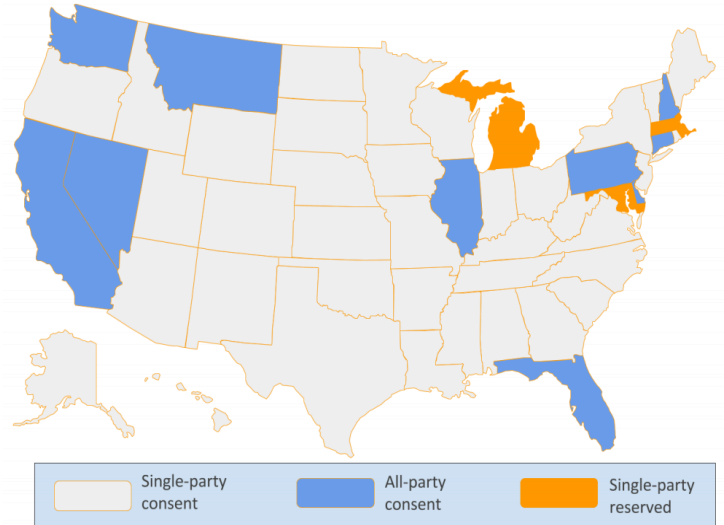
What You Need To Know

Call recording laws are confusing and vary from state to state.¹ Here's what you need to know.

State-By-State Laws

US states fall into one of four categories:²

- **All-party** consent required: CA, CT, DE, FL, IL (debated), MT, NH, NV, PA, WA
- **Single-party reserved:** All-party consent states that have carve-outs for business purposes: MA, MD, MI
- No Statute or Definitive Case Law: VT
- **Single-party consent:** all other states



Single-party consent states require that only one person in the conversation knows the call is being recorded, even if that person is the one conducting the recording. Most companies have their employees sign a release that ensures they understand their calls are being recorded. (See below for a downloadable call monitoring release form from SHRM.³)

Calls placed into **All-party consent states** require that all participants know the call is being recorded. Calls placed from All-party consent states into Single-party consent states are subject to federal law (Single-party consent).

Single-party reserved states – Maryland, Massachusetts, and Michigan – allow for single-party consent with the caveat that the recording is used in the normal course of business. This restriction exists to protect individuals from illegally obtained wiretaps.

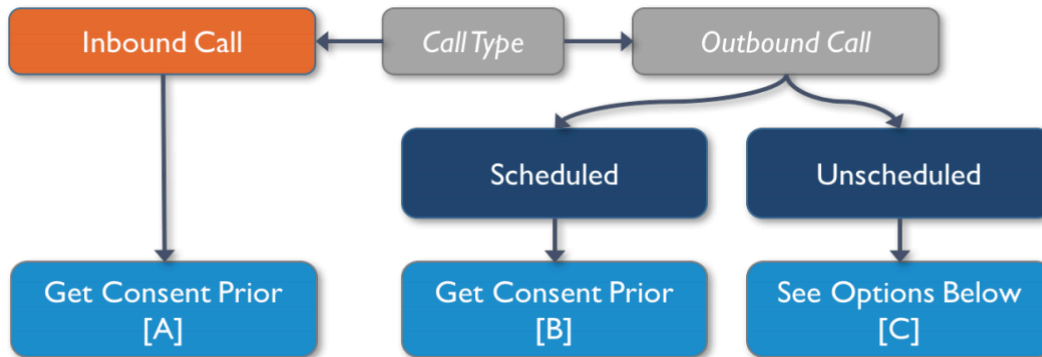
1. https://en.wikipedia.org/wiki/Telephone_recording_laws#United_States
2. <https://www.mwl-law.com/wp-content/uploads/2013/03/LAWS-ON-RECORDING-CONVERSATIONS-CHART.pdf>
3. https://www.shrm.org/resourcesandtools/tools-and-samples/policies/pages/cms_000638.aspx



Dealing With All Party Consent States

In all-party consent states there are two primary factors to consider when deciding if you should record:

1. whether the phone call is an **inbound** call or **outbound**
2. whether the call was **scheduled** or **unscheduled**.



Business Practices We've Observed

[A] Inbound Calls	- Notify of recording with a pre-recorded message for inbound calls.
[B] Outbound Scheduled Calls	<ul style="list-style-type: none"> - Use technology that notifies participants that the call is being recorded automatically with visual indicator on screen and/or auditory announcement. - Ask for consent at the beginning of the scheduled call: <i>"Do you mind if I record this call so I can focus on our conversation and check my notes later?" [Consent Given ... Turn recording on]..."OK, just to confirm, I've turned on recording."</i>
[C] Outbound Unscheduled Calls	<ul style="list-style-type: none"> - Use faint recurring beep per FCC regulations - Gain consent when opening by stating: <i>"Hi BUYER NAME, this is REP NAME, on a recorded line, do you have a minute?"</i> - Use a technology that identifies Single-party vs All-party consent states based on area codes, and only records calls placed into the Single-party consent states. - Use a technology that records only the rep for calls placed into All-party states.

Call recording is an exceptional business tool that provides insights to improve company performance. These laws are frequently debated in state courts with new case law ongoing. **Always consult with your legal counsel to determine the best solution for your organization.**

This document and the information contained within is offered for general informational purposes. It is not offered as and does not constitute legal advice or legal opinions. ExecVision recommends you consult a business attorney prior to the implementation of any call recording software or device to ensure compliance with state, federal, and international laws.

