

Comment Period Opens on FCC AI-Generated Calls

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Virginia Bell Flynn, partner in Troutman Pepper’s Consumer Financial Services Practice Group, was quoted in the *AccountsRecovery.net Compliance Digest* article, [“Comment Period Opens on FCC AI-Generated Calls.”](#)

On August 8, 2024, the Federal Communications Commission (“FCC”) issued a Notice of Proposed Rulemaking addressing the growing use of AI-generated robocalls and robotexts. In response to complaints regarding unwanted and illegal robocalls and robotexts, the FCC proposes and seeks comment on measures designed to ensure that its rules keep up with the developing changes in AI technologies. The proposed rule would define AI-generated calls as “a call that uses any technology or tool to generate an artificial or prerecorded voice or a text using computational technology or other machine learning, including predictive algorithms, and large language models, to process natural language and produce voice or text content to communicate with a called party over an outbound telephone call.” The proposed rule also would require callers using AI-generated messages to include clear and conspicuous disclosure that the consumer’s consent to receive artificial and prerecorded calls may include consent to receive AI-generated calls. Such disclosures would extend to autodialed text messages using AI-generated content. At the beginning of a call, the proposed rule would require the caller to clearly disclose to the called party that the call is using AI-generated technology. The proposed rule, however, would exempt artificial or prerecorded voice calls made by an individual with a speech or hearing disability using any technology, including AI, designed to facilitate the ability of the individual to communicate over the telephone. While the FCC intends to protect consumers from potential AI abuses, it also recognizes the potential benefits for accessibility. The FCC seeks comments on technologies that can detect, alert, and block unwanted or illegal AI-generated calls and texts. The proposal was published in the Federal Register on September 10, and initial comments are due by October 10 with reply comments due by October 25.

These changes are likely to impact those clients using automated calling and text message systems. Such clients will need to update their disclosures to include reference to AI-generated content. We expect this change to result in a new slew of cases targeted at AI-generated content, and are prepared to advise clients preemptively on compliance and should any such litigation arise.

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