

Recommendations for Auto-Renew of Membership Option

To help members conveniently pay dues, state dental associations on Aptify may wish to implement an automatic renewal option for members. Some recommendations are below; however, the below are recommendations only and may or may not be sufficient to achieve compliance with the requirements of all applicable federal and state laws. *Each state dental association should ensure that its automatic renewal process (as well as any recurring payment option it elects) complies with the requirements of all applicable laws, rules and regulations, such as state-specific consumer protection laws; the below may not fully comport with the laws of your jurisdiction.*

1. Disclosures.

- a. Before the individual enters payment information and completes the order, the state's webpage should disclose in a clear, conspicuous and understandable way, at least the following (many of which are noted in more detail in subsequent sections):
 - 1) the material Terms and Conditions of the transaction
 - 2) the recurring nature of the transaction (i.e. that once the member authorizes the auto renew, charges will continue to be made per the terms until the member cancels the auto renew)
 - 3) the cancellation policy (including by when the member must cancel to prevent a future charge from being made)
 - 4) whether the charges are refundable
 - 5) any service fee or processing fee that will apply
 - 6) a simple mechanism for the individual to stop the charges
 - 7) an explanation that stopping recurring payments does not cancel membership as long as dues are paid in full
 - 8) how to make and change decisions concerning any optional contributions, such as to political action committees (PACs) and donations to charitable foundations
- b. In addition, before the individual enters payment information and completes the order, the individual must receive, in a clear, conspicuous and understandable way, at least the following:
 - 1) the dollar amounts and payment intervals (this is provided on the ADA template)

2. Obtain Express and Informed Consent Authorizing Auto Renew

- a. Affirmative Action Indicating Authorization.
 - 1) Require an affirmative action (such as requiring the member to check "I agree", in a non-pre-checked check box) agreeing to the Terms and Conditions before requiring the member to divulge payment information (e.g. credit card or bank information). This can be accomplished by inserting, immediately above the "Pay Dues Now" button, the following text: "By clicking on the "Pay Dues Now" button you're agreeing to authorize your credit card to be charged and agreeing to the Terms and Conditions."
- b. Proximity of Terms and Conditions. The Terms and Conditions should be clearly and conspicuously displayed, preferably in close proximity, whether textually or by a hyperlink, to the affirmative action indicating consent (e.g. a non-pre-checked check box or "Pay Dues Now" button) and authorizing the recurring transaction.

- c. Provide a Copy of Payment Authorization for the Member. A printable copy confirming the member's authorization (along with the Terms and Conditions of the recurring payment program) acknowledging the member's authorization should be promptly provided to the authorizing member.

3. Advance Disclosure of Amount to Be Charged/ Timing.

- a. Advance notice. At least thirty (30) days (but not more than 60 days) before the first payment of the auto renew plan is due, the state should send any member who has selected autorenew a notice that the following year's dues charge will be made.
- b. Precise Amount. The notice should specify the precise amount that they will be charged. This should include the entire, precise amount (i.e. national, state and local) to be charged. If the amount of any preauthorized payment will change (e.g., if local, state or national dues increase or if there is a special assessment), the state should include specific reference to the change (including the amount) in the notice.
- c. Sufficient Time to Allow Cancellation. The notice should be provided to the member sufficiently in advance to allow the member time to cancel the auto renew (i.e. cancellation policy timing should allow the member, after receipt of advance notice of charge, sufficient time to cancel the auto renew). The cancellation procedure should be included in the Terms and Conditions and/or through a link provided within the Terms and Conditions.

4. Cancellation.

The state should be properly prepared to handle and process cancellation requests and other member service issues. The member needs to be advised of, and provided with, a simple and clear cancellation procedure.

5. Political Action Committee (PAC) Contributions

ADPAC contributions require a specific affirmative, non-pre-checked "opt in." Do not pre-check contributions to ADPAC. Check the laws of your state regarding rules for other voluntary contributions. Laws vary for state PACs, which may have similar and/or additional requirements.

6. Check Other Contractual Obligations

Check your other contracts (e.g., with credit card brands). They may contain additional requirements regarding installment payments and autorenew.

7. Obtain Legal Guidance in Your Jurisdiction.

The state should consult their own attorney regarding legal requirements and at all times keep abreast of the state's laws, rules and regulations with respect to auto renew payments, and promptly notify ADA if any reconfiguration appears to be required to permit the state to continue to comply with applicable law.