

TCPA/Do Not Call Compliance Pointers

Does the Prior Express Written Consent Requirement Apply Under the Telephone Consumer Protection Act (TCPA)?

1 For calls to **residential phones**: Do calls use an **artificial voice** or **prerecorded message**?

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IF NO the TCPA does not apply unless the number is on a Do Not Call List.

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IF YES TO EITHER, proceed to (3).

2 For calls to **mobile phones**: Do calls use an **artificial voice** or **prerecorded message** OR an **automatic telephone dialing system** (which may include a dialer)?

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IF NO the TCPA does not apply unless the number is on a Do Not Call List.

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IF YES and the call does **NOT** contain telemarketing, then you need only **prior express consent** (meaning, the consumer gave you their cell phone number).

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IF YES and the call **does** contain telemarketing, then proceed to (3).

3 Does the call contain **telemarketing**?

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IF NO the written consent rules do not apply; however, **prior express consent** (verbal or written) is still required for certain calls made to cell phone numbers and residential numbers.

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IF YES, proceed to (4).

TELEMARKETING

Telemarketing includes **an offer or promotion of goods or services**.

(It also includes calls that have multiple purposes, so long as one of the purposes is telemarketing.)

PRIOR EXPRESS WRITTEN CONSENT

Prior express **written** consent is required for calls to cell phones as described in step 2. Prior express **written** consent is also required for certain calls to residential lines which use an artificial voice or prerecorded message.

4 **Written consent is required prior** to initiating telemarketing calls and texts as follows:

Prior express written consent is required to make telemarketing calls to cell phones (including text messages) using

- 1) an artificial voice
- 2) prerecorded message
- 3) automatic telephone dialing system (which may include a dialer).

Prior express written consent is required to make telemarketing calls to residential lines using an artificial voice or prerecorded message.

Prior express written consent is required to make telemarketing calls and texts to personal telephone numbers on a Do Not Call list.

Federal, state, and internal Do Not Call lists must be checked at least monthly.