

Introduction

Staying compliant with regulations, like the TCPA (Telephone Consumer Protection Act), is critical. However, many solutions that help contact centers follow these rules either slow down operations or aren't thorough enough to ensure compliance. This hurts both productivity and effectiveness.

Our TCPA PREVIEW and TCPA PROGRESSIVE dialer solutions strike the right balance. It helps your contact center meet TCPA requirements without compromising productivity. We offer tools designed to simplify compliance processes, giving you better control over operations while keeping efficiency high. This way, you can handle compliance confidently while boosting performance.

Contact us at sales@cleverideas.com.mx to schedule a call to get your TCPA dialer solution configured.

TCPA definition

“The Telephone Consumer Protection Act or TCPA is a federal statute signed into law to stop the growing trend of unwanted telemarketing calls to consumers.

Signed in 1991, this law aims to restrict unwanted solicitations, specifically telemarketing, with the use of automated phone equipment and automated dialers. It restricts the use of pre-recorded voice messages, robocalls, SMS, and fax, especially for the purpose of selling goods and services. The law emphasizes that without explicit customer consent, businesses must strictly follow prescribed solicitation rules for contact center compliance. Consumer consent is a big part of the law and should be the focus of any business that directly communicates with customers.

TCPA Do not call registry

The National Do Not Call Registry refers to a list or registry of phone numbers from people who communicated their preference to limit the number of telemarketing and other solicitation calls they receive. Registration is free for consumers and can apply to both home and mobile phone numbers.

Subscribers who still receive unwanted calls when their number has been registered for 31 days can report the incidents to the Federal Trade Commission (FTC), who manages the registry itself. The registry is enforced by the FTC, the Federal Communications Commission (FCC), and state officials.

TCPA compliant dialer

One of the main items of contention concerning how businesses can keep themselves compliant would be the definition of autodialers and predictive dialers. **Under the TCPA, any device with the capacity to store and produce telephone numbers that are random or sequentially generated, then dial the said stored phone numbers, can qualify as an ATDS (automatic telephone dialing system) or autodialer.**

The Ninth Circuit panel double-downed on this with their declaratory ruling, which applies a more expansive definition of an autodialer. According to them, any device that can dial stored telephone numbers,, “whether or not the numbers were generated by a random or sequential number generator” is still considered an autodialer or automatic telephone dialing system (ATDS) under the TCPA rules and regulations.

Businesses are advised to be more vigilant when it comes to interpreting the definition of an autodialer. While the Ninth Circuit panel’s stand on this can still be reversed in the higher courts or may be clarified further in the future, your current call center software’s dialing feature may still fall under what FCC interpretation defines as an autodialer under the TCPA rules. You may find that your business is committing illegal robocalls without knowing it.

TCPA Restrictions

Explicitly, this law prohibits contact with consumers unless your organization has “prior express consent”. This applies to telemarketing, text messages, faxes, and pre-recorded calls or robocalls.

While that sounds simple enough, there are intricacies to the law that your business might want to be familiar with, like:

- Consent does not survive when the telephone number is reassigned. You may still be in violation if the number called is reassigned or a wrong number.
- Consumers may revoke consent at any time through a reasonable way. It also means that your business has to provide consumers with a reasonable way to opt-out of their consent.
- Phone service companies can provide robocall blocking to consumers
- There are still instances where companies are allowed to automatically dial calls or where a dialer sends text messages to wireless phones even without consumer consent. This only applies to alerts and notifications about potential fraud or important reminders such as medication refills. Even then, companies still have to provide consumers with an option to opt out of the notifications.

Revision #3

Created 1 February 2025 17:34:36 by Mauricio Coronel

Updated 1 February 2025 17:48:54 by Mauricio Coronel