

TCPA

Telephone Consumer Protection Act of 1991

47 U.S.C. § 227

47 CFR § 64.1200

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Telemarketing Texts

Initiation of a telephone call or message for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services. 47 CFR § 64.1200(f)(12)

Prior Express Written Consent

Agreement in writing bearing recipient's signature that clearly and conspicuously discloses that the recipient authorizes sender to deliver messages. 47 CFR § 64.1200(f)(8)

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Non-Telemarketing Texts

All other text messages sent to wireless numbers using an autodialer

Prior Express Consent

- Verbal
- Written
- Recipient knowingly releases wireless number absent instructions against receiving text messages

CONSENT BEST PRACTICES

- All forms of consent should be clearly stated, well documented and preserved.
- Even where verbal consent is sufficient, follow up with written confirmation.
- Include language on forms stating that recipients who submit wireless numbers agree to receive text messages from or on behalf of sender.

BEST PRACTICES FOR OPT-OUTS

- Text single word to cancel or opt-out:
 - “STOP”, “UNSUBSCRIBE”, “STOPALL”, “END”
- Set email alerts to document when subscribers opt-out.
- Upon receiving an opt-out request, promptly remove the person from your messaging lists.
- Record the opt-out date and date when person was removed.

RESOURCES

Telemarketing & Cold Calling Home Page on
NAR.realtor

<https://www.nar.realtor/telemarketing-cold-calling/>

All of the slides from today's presentation are available on the Window to the Law page of www.nar.realtor.

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