TCPA
Telephone Consumer Protection Act of 1991

47 U.S.C. § 227
47 CFR § 64.1200
TCPA

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)
TCPA

**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.

Jon Waclawski
jwaclawski@realtors.org