



Is Your Call Center Compliant?

July 20, 2022



Federal Standards Regulating Calls and Text Messages

TCPA Recent Developments

- “Autodialer” standard post-*Facebook v. Duguid*, 141 S. Ct. 1163 (2021)
- Reassigned Number Database
- Increased focus on prerecorded message and do-not-call provisions
- Motions to compel arbitration and plaintiff’s counsel’s willingness to arbitrate scope of arbitration clause
- More litigation activity per case than in the past and higher settlements

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TSR Overview and Recent Developments

- Comparing the TSR and TCPA Standards
 - Rulemaking Efforts
 - FTC Enforcement

State Standards Regulating Calls and Text Messages

- TCPA—the law of the land?
- States fill the void:
 - Amendment to the Florida Telephone Solicitation Act, Fla. Stat, § 501.059 et seq. (eff. July 1, 2021)
 - Oklahoma Telephone Solicitation Act, Ok. Stat. § 15-775C.5 et seq. (enacted May 20, 2022, eff. Nov. 1, 2022)
 - Amendments to Washington Telephone Solicitation Law, Wash. Rev. Code Ann. § 80.36.390 (eff. June 9, 2022)
- Plaintiffs' bar and litigants dutifully follow -- 149 FTSA cases filed since 7/1/21

State Standards Regulating Calls and Text Messages

Options

- Lowest common denominator
- State-by-state
- Avoid/address high risk states + TCPA
- Combination/tailored
- Consider: business model, risk-tolerance, implementation

State Standards Regulating Calls and Text Messages

Take Aways

- State mini-TCPAs are not just surplusage!
- Businesses need a state law compliance strategy
- Roadmap
 1. Audit the business' current telephonic outreach and future outreach goals
 2. Conduct a state law assessment to determine if/which state laws apply
 3. Formulate a state telemarketing compliance strategy
 4. Implement
 5. Keep informed of changes to state laws and update when necessary

Questions/Discussion

If you would like to ask a question, you can ASK or type your question into the CHAT feature NOW.