

TCPA:

Current State of Compliance

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Proposed Legislation

Very active House and Senate

- Repeated Objectionable Bothering of Consumers on Phones – [ROBOCOP Act](#)
- Help American Never Get Unwanted Phone calls – [HANGUP Act](#)
- Telephone Robocall Abuse Criminal Enforcement and Deterrence – [TRACED Act](#)
- Stopping Bad Robocalls Act
- REAL PEACE
- Unnamed bill (H.R. 1602)
- FCC Modernization Act

EMERGING TCPA ISSUES WHAT'S NEW AND EXCITING

- Recent verdicts
- Settlements
- Interesting rulings
- Third-party liability
- New state laws

- Wakefield v. ViSalus, Inc. – \$925 million judgment
- \$10.5 million settlement by Allstate for calls made by Oh Insurance
- AT&T's text platform is not an ATDS because it did not "randomly or sequentially" choose numbers
- Direct drop or "ringless" voicemails covered by TCPA
- Continued class certification rulings (GoDaddy, Holiday Cruise Line, Royal Seas Cruises)
- TCPA government debt call carveout is unconstitutional
- Uber's TCPA case sent to arbitration
- Twilio may be liable under TCPA
- Monitronics may be liable under TCPA
- Upland Software not liable under TCPA
- USA Funds liable for student loan debt collection calls by Navient
- Anti-spoofing privacy laws

FTC Actions

Federal Trade Commission

- FTC focus on the TSR and DNC
- Notable FTC settlements
- Federal Trade Commission v. Lead Generators
- Supreme Court declined to hear challenge to staff opinion regarding soundboard telemarketing



FCC Actions

Federal Communications Commission

- Dedicated FCC unit to tackle robocalls
- FCC Final Rule regarding reassigned number database
- FCC's TCPA agency rulings challenged before the Supreme Court





Key strategies to achieve compliance:

- Obtain and maintain evidence of EWC
- Assess whether your system is an ATDS
- Stay informed of developments in the law
- Maintain robust compliance processes
- Review and respond to complaints



Any
Questions?