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# TCPA CONSENT CHECKLIST

*Protecting Your Business with Predictive Sales AI*



In the home services industry, building relationships with your customers is everything. Each call, text, or message represents an opportunity to build trust, foster loyalty, and create lasting connections. However, everyday outreach to customers can expose your business to risk if it isn't managed properly. Without the right processes and tools, routine interactions may lead to compliance issues under the **Telephone Consumer Protection Act (TCPA)**.

TCPA is more than just a legal requirement; it's a fundamental part of consumer protection, ensuring that outreach happens with respect and clear consent. The act is focused on ensuring consumer consent to be contacted, particularly when using automated systems. Even a minor oversight can lead to compliance challenges, so understanding the essentials of TCPA helps keep your business protected and ready.

In this article, we'll cover a TCPA checklist to help you understand key types of consent, ensure compliance for different phone types, and manage risks like DNC violations and proof of consent.

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DOES THIS APPLY TO ALL PHONE NUMBERS?

# TCPA CONSENT CHECKLIST

## COLLECT WRITTEN CONSENT

Before contacting a consumer, obtain express written consent to call or text them. This permission can be electronic, such as through a checkbox on a form or button press on a mobile device. Written consent provides a clear record of authorization, protecting your business if consent is ever questioned.

## DISCLOSE CONTACT INTENT CLEARLY

When collecting consent, provide a clear, conspicuous disclosure explaining what consumers are agreeing to. This disclosure should include the type of outreach they can expect (e.g., calls, texts) and should be easy to understand. Example: "By checking this box, you consent to receive calls and texts from [Your Business] at the provided number, including messages sent using an automated system."

## OFFER AND HONOR OPT-OUT REQUESTS

TCPA regulations require that consumers have the right to opt out of further communications from your business. Once a consumer requests to opt out, place them on your internal Do Not Call list and honor the request for at least five years. Be sure to process these requests promptly to maintain compliance.

## LOG AND RETAIN CONSENT RECORDS

Document each instance of consent, including details like date, time, and how consent was given, and make these records readily accessible. Consumers and regulators have up to four years following a violation to take action, so retaining accurate records is essential to demonstrate compliance.

## RESPECT PERMISSIBLE CALL TIMES

Under TCPA, telemarketing calls can only be placed between 8 a.m. and 9 p.m. in the recipient's local time. Some states also have mini-TCPA laws with stricter calling windows, so be sure to confirm your timing meets both federal and state requirements.

## IDENTIFY YOUR BUSINESS IN MESSAGES

TCPA requires that any call or message clearly identify your business to the consumer, including live calls, auto-dialed calls, and pre-recorded messages. In pre-recorded messages, this identification should occur at the beginning of the message, ensuring that recipients immediately know who is contacting them.

## CHECK NATIONAL AND STATE DNC LISTS

The federal Do Not Call (DNC) registry allows consumers to opt out of unsolicited telemarketing. Before calling consumers without express written consent or a current business relationship, scrub phone numbers against both the National DNC registry and any state-specific lists. Note that compliance requirements may vary based on the type of line (e.g., residential, cell, business).

## MONITOR CONSENT STATUS FOR CHANGES

Regularly check and update consent status to ensure it remains valid. This includes confirming that consents have not expired and that customers have not opted out or changed their preferences. Reviewing consent status periodically helps you stay proactive in compliance.

## WHAT IS EXPRESS WRITTEN CONSENT?

Since the TCPA was enacted, regulations have tightened, including a requirement for businesses to obtain **prior express written consent** before contacting consumers, particularly when using automated dialing systems or pre-recorded messages. But what's the difference between **express consent** and **express written consent**?

### EXPRESS CONSENT:

This is permission a consumer gives a business to contact them, which can be given verbally or in writing and may sometimes be implied. For example, if a consumer calls a business to inquire about a service, they're providing express consent for the business to follow up with related information.

### EXPRESS WRITTEN CONSENT:

Defined by the FCC as "a written agreement between the caller and receiver of the call," express written consent authorizes the caller to send advertisements or telemarketing messages using an ATDS (automated dialing system) or pre-recorded voice. This consent must be specific, including the recipient's phone number and an electronic or physical signature.

Starting in **January 2025**, new changes will require that express written consent be limited to a single seller. This means that only one identified seller may contact the consumer for telemarketing purposes, effectively closing the "lead generator loophole" that allowed multiple businesses to use a single consent.



## DOES THIS APPLY TO ALL PHONE NUMBERS?

It's important to be aware of how TCPA regulations apply differently to each type of phone number. Rules around express written consent and Do Not Call (DNC) registry checks vary based on whether you're contacting a cell phone, residential landline, or business phone line. Understanding these distinctions can help you avoid compliance risks and keep your telemarketing efforts within legal bounds.

The following table breaks down the requirements for each phone type, showing when consent and DNC checks are necessary.

PHONE TYPE	CALL TYPE	CONSENT REQUIREMENT	DNC REGISTRY CHECK REQUIRED
Cell Phone	Auto-Dialed/ Pre-Recorded Sales Call	Prior express written consent required.	If consent provided, no. Otherwise, yes.
	Manually Dialed Sales Call	Prior express written consent recommended.	If consent provided, no. Otherwise, yes.
Residential Landline	Auto-Dialed/ Pre-Recorded Sales Call	Prior express written consent required.	If consent provided, no. Otherwise, yes.
	Manually Dialed Sales Call	Prior express written consent recommended.	If consent provided, no. Otherwise, yes.
Business Line	Any Sales Call	No consent required by TCPA.	Not Applicable
Cell Phone & Landline	Informational/ Non-Sales Call	Express consent required for pre-recorded or auto-dialed calls.	No

## THE HIGH PRICE OF TCPA NON-COMPLIANCE

TCPA violations can lead to substantial financial consequences for businesses due to the strict nature of the law's enforcement and the potential for significant, cumulative penalties. Unlike many regulations, TCPA holds businesses accountable regardless of intent, and its penalties can quickly escalate based on the number of infractions.

Additionally, the law grants consumers a private right of action, allowing individuals to bring lawsuits directly against companies for violations, which has led to a high volume of TCPA-related litigation. Here's why TCPA non-compliance can be so expensive:

**STRICT LIABILITY:** Under TCPA, liability is strict, meaning a business can be penalized for a violation even if it was unintentional. This strict standard means that companies must be diligent in maintaining compliance processes, as even honest mistakes can lead to costly fines.

**UNCAPPED DAMAGES:** The TCPA does not impose a maximum cap on damages, making it possible for penalties to reach enormous sums, particularly in class action lawsuits. With thousands of calls or texts potentially in question, businesses can face extensive financial exposure when claims are brought by large groups of consumers.

**PER-VIOLATION PENALTIES:** Each call or text in violation of TCPA can result in a fine of \$500, with penalties reaching up to \$1,500 per violation if it is determined to be willful or knowing. Because each contact counts as a separate violation, even a single campaign with improper consent could result in hundreds or thousands of individual fines, adding up to a significant financial impact.



## STATES AND MINI TCPA RULES

In addition to the federal TCPA regulations, many states have their own “mini TCPA” laws that often include stricter rules on consent, call times, and penalties. Several states also manage their own Do Not Call (DNC) lists, which businesses must check alongside the national DNC registry to ensure compliance.

States like Florida, California, and Texas enforce unique telemarketing requirements, making it essential to be aware of any additional regulations in the states where you operate. Non-compliance with these state laws can lead to penalties separate from federal TCPA violations, increasing financial and legal risks.

## PROTECTING YOUR BUSINESS WITH PREDICTIVE SALES AI

Managing TCPA compliance can be complex, but Predictive Sales AI's **Know Your Customer** feature helps make it a seamless part of your business operations. Know Your Customer connects online and offline lead sources to your consent tracking system, capturing, recording, and maintaining accurate records of consumer consent across all interactions.

With integrated tools like forms, chat, and trackable phone numbers, Predictive Sales AI allows you to gather consent reliably from digital interactions, while in-person lead capture extends compliance to face-to-face conversations.

All consent data flows into a single system, streamlining records and making it easy to demonstrate compliance when needed.

To further simplify your compliance management, Predictive Sales AI provides **consent verification certificates** for every recorded interaction. These certificates are stored in your account and can be downloaded or emailed at any time—at no additional cost. Know Your Customer also supports DNC compliance by connecting you to the national DNC registry and managing your internal Do Not Call list, helping you focus on approved contacts without extra manual checks. Predictive Sales AI can be an integral part of developing and maintaining a strong TCPA compliance program, saving your team valuable time and giving you peace of mind.

## READY TO SIGN UP?

Scan the QR code or visit [predictivesalesai.com/signup](https://predictivesalesai.com/signup) to get started!

