

Fixing the TCPA

Consumers are Counting on Congress

1991: TCPA
PASSED

1991: 3% OF
AMERICANS
OWN A CELL
PHONE

1992: FIRST
TEXT MESSAGE
SENT

2010-2015:
TCPA
LITIGATION UP
940%

2015: 90% OF
AMERICANS
OWN A CELL
PHONE

CONSUMERS & BUSINESSES NEED CONGRESS' HELP

Congress needs to update the TCPA to allow companies to send normal, expected, and desired communications to consumers without fear of litigation.

TCPA LITIGATION BY THE NUMBERS

940%: Percent Increase of TCPA Litigation from 2010 to 2015

\$2.4 million: Average Attorney Pay Out

\$4.12: Average Plaintiff Award

THREATENED BENEFICIAL COMMUNICATIONS

- Low balance notifications
- Due date reminders
- Fee avoidance alerts
- Account closure and other milestone notices
- Medical appointment reminders
- Natural disaster warnings
- Fraud alerts
- Flight delays and cancellations
- School closures and start delays
- Consumer reports surveys
- Home preservation assistance programs (federal and private)
- FEMA disaster related financial relief and service options

Outdated TCPA: In 1991, when wireless phones were deemed a “luxury item”, the Telephone Consumer Protection Act (TCPA) was enacted to address certain telemarketing practices considered an invasion of consumer privacy for calls to wireless phones (but not to landline phones).

Wireless Consumers: Today, 90% of Americans own wireless telephones, and 58.8% of households are mostly or entirely wireless-only. While consumer preferences have changed, the FCC made it harder – and expensive – for businesses to contact their customers.

Damaging Partisan FCC Order: On June 18, 2015, the FCC approved an order along party lines that will ultimately lead to a chilling of beneficial communications to consumers by further opening the floodgates for litigation against compliance-minded American businesses. Specifically, the FCC’s interpretation of an automatic dialer, called party for reassigned numbers, and revocation of consent especially harmed elective, useful communications.

TCPA CLASS ACTIONS BY INDUSTRY

A broad spectrum of American businesses, government and nonprofits are burdened by the lack of clarity around TCPA and inconsistent court rulings.

