

FCC Issues Robotext Enforcement Advisory Reminding Businesses of TCPA Obligations

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On November 18, 2016, the Federal Communications Commission released an Enforcement Advisory confirming that text messages are regulated as telephone calls for purposes of the Telephone Consumer Protection Act's consent requirements. The Advisory also provides a helpful summary of the TCPA's consent standards for people who are new to the issue or who may feel overwhelmed by TCPA compliance. As the Advisory explains, the TCPA requires "prior express written consent" for advertising text messages and "prior express consent" for other types of text messages, provided that the message is delivered using technology that satisfies the TCPA's "autodialer" definition. That definition is notably broad, and the FCC has expanded it well beyond the original statutory standard. "Robotext" platforms, including text messages from text messaging apps and Internet-to-phone text messaging, can trigger the TCPA's consent standards. The FCC's Enforcement Advisory is a good opportunity to review the TCPA's consent requirements and to confirm that your business is equipped to comply with them, even in the context of text messaging, where the application of legal standards has not been as well-established as with respect to voice communications.

[Enforcement Advisory](#)

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