



Tom Hudson and Eric Johnson's monthly article in RV News: TCPA compliance

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In the June issue of *RV News*, [Tom Hudson](#) and [Eric Johnson](#) present a class action suit case study of a Florida Ford dealership that allegedly violated the federal Telephone Consumer Protection Act (TCPA) and agreed to pay out almost \$4.8 million, as well as compensatory damages to the customers who received unwanted calls and text messages from the dealer. Although a third-party marketing company executed the telemarketing campaign on behalf of the dealer, the marketing company was not named in the lawsuit and the dealer paid the tab.

Tom and Eric caution that dealers must ensure they have express written consent to call or text a customer for marketing purposes. Dealers cannot rely on the third-party marketing company to ensure they have obtained that consent. Even if the third-party does claim to have consent, you should obtain a written legal opinion from its lawyer, along with a written statement from the lawyer that the dealer is entitled to rely on that opinion. An indemnity from the company stating that it has proper insurance coverage in the case of a lawsuit is also a necessary precaution.

[Click here](#) to read the full article on pages 40-41.

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