

The TCPA Traffic Light

	LANDLINE		CELL PHONE	
	MARKETING	NON-MARKETING	MARKETING	NON-MARKETING
AUTODIALED CALLS/TEXTS	DO NOT CALL LIST ⁺		PRIOR EXPRESS WRITTEN CONSENT ¹ *	PRIOR EXPRESS CONSENT ²
PRERECORDED VOICE	PRIOR EXPRESS WRITTEN CONSENT*		PRIOR EXPRESS WRITTEN CONSENT*	PRIOR EXPRESS CONSENT
MANUALLY DIALED	DO NOT CALL LIST		DO NOT CALL LIST	
FAX	PRIOR EXPRESS PERMISSION OR ESTABLISHED BUSINESS RELATIONSHIP*			

¹ "Prior express written consent" requires a written agreement, signed by the consumer, that includes, among other things, the telephone number that specifically authorizes telemarketing by automatic dialing/texting or prerecorded voice, and that is not required as a condition of purchase. 47 C.F.R. § 64.1200(f)(8).

² For non-marketing purposes, providing a cell number in connection with a transaction generally constitutes prior express consent to be contacted at that number with information related to the transaction. 7 F.C.C.R. 8752 ¶ 31 (1992).

⁺ Do Not Call List restrictions apply broadly to telemarketing to both cell phones and landlines, but can be overridden by written consent from the consumer.

* Opt-out notice and mechanism must be provided. Specific requirements vary.

This chart does not constitute legal advice. The chart provides only a general overview of TCPA rules and does not reflect all details needed for compliance.