

FCC Seeking Comment on Whether Confirmation Text to Opt-Out Request Violates TCPA

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As we have written in the past, several companies have been sued recently for allegedly violating the Telephone Consumer Protection Act when they sent a confirmation text in reply to a consumer's request to stop receiving text messages. In other words, a consumer that texts "STOP" receives a text message from the company that says "we will stop." This confirmation is required under industry group standards, namely the Mobile Marketing Association's guidelines. The lawsuits have alleged though, that the "we will stop" message is in violation of the TCPA because it is sent without consent. One of the companies that was sued has petitioned the Federal Communications Commission (FCC), asking the FCC to declare that these confirmation texts are not a violation of the Act. The FCC issued a notice requesting comments, which are due by April 16.

TIP: Companies who send text messages may want to submit comments before the April deadline. In the meantime, they should keep in mind our prior tips for limiting exposure on these confirmation texts: notify consumers that a confirmation text will be sent and provide an alternative mechanism for opting out of future text messages.

1 Min Read

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