

TPCA Notification:

Please note, it is necessary for mobile users to “opt-in” first in order for them to receive messages from your organization (content provider). There must be “PEWC” (Prior, express, written, consent). There are numerous ways clients can opt in, such as via email, if they initiated a text to your organization, a sign-up widget on a website, etc.

TCPA is designed for the protection of the subscribers privacy rights and allows a plaintiff to recover actual monetary damages, or alternatively, \$500 in damages for each violation, whichever is greater, and up to \$1,500 if the court finds that such violation is “willful or knowing.” See 47 U.S.C. § 227(b)(3).

Note, opt out instructions should be in the first 160 characters/spaces (“Reply STOP to cancel”) – so if the content provider is sending concatenated message (>160, =<459), the first of the 2 or 3 messages should have the opt out instructions. (Note if there are penalties, a concatenated message would count as separate messages from a fine perspective). Furthermore, the message content should contain the name of the content provider (your business) and the “call to action” is clear with what the end user will receive, (how many texts will receive per month, etc.) and the call to action is in the control of the content provider.

We appreciate you texting within compliance.

- Text My Main Number, Inc.

“Note: This material is intended for general information purpose only and is not intended as legal advice or as a substitute for the particularized advice of your own counsel and should not be relied upon as such. The information may not be current and may be changed without notice.”