



Due to new rules that took effect in October 2013, the Telephone Consumer Protection Act (TCPA) prohibits companies from calling or texting a cell phone using any automated telephone dialing system (auto dialer) without prior express consent. This rule applies to auto and predictive dialers and includes survey and opinion research. To ensure TCPA compliance both AAPOR and MRA recommend manually dialing cell phone numbers in the absence of prior written consent.

The number of class action suits is skyrocketing and the Federal Communications Commission (FCC) can fine companies \$500 or more for each individual violation.

Although the regulations and requirements are complex, staying educated and taking proactive measures are the keys to remaining compliant with the TCPA. Here are some high-level guidelines to follow:

- Mitigate the Risk. Many landlines have been ported to wireless service. Before dialing a phone list, companies should verify the types of phones contained in their list as the status of some of them may have changed.
- Get the consent of the current wireless subscriber before calling their cellular number. Autodialing an old cellular number with prior consent that is now held by a new subscriber would constitute a violation of TCPA.
- Be aware of Ethical Considerations including respondent safety and privacy. Both AAPOR and MRA provide guidelines for calling respondents on cellular numbers.

### **How can Marketing Systems Group help?**

One of your first steps should be to identify ported wireless numbers and we can help you do just that.

Marketing Systems Group subscribes to and is an authorized reseller of iconectiv's Wireless Do-Not-Call (WDNC) Service. Iconectiv tracks phone numbers that are ported from wireline to wireless service and publishes an updated file every day.

MSG offers the service to identify landline numbers that have been ported to wireless. However, in order to use this service the end client must also be licensee of the iconectiv WDNC.

For more information about TCPA compliance, see <http://www.tcpacompliance.us/>

Contact us for more information about our cellular identification services and licensing the iconectiv WDNC at [www.m-s-g.com](http://www.m-s-g.com) or call 215.653.7100.