

Landmark Supreme Court TCPA Ruling

What It Means for Outbound Sales Teams

The U.S. Supreme Court handed down a ruling on April 1, 2021 addressing Facebook's ATDS challenge that's sure to greatly impact calls made by your business.

What is an ATDS?

An automatic telephone dialing system (ATDS) is a type of device defined by the Telephone Consumer Protection Act. Prior to the latest ruling, a broad definition of ATDS included most dialers. Use of an ATDS requires opt-in consent from leads prior to contact.

5 Key Takeaways

from the Supreme Court's Facebook vs. Duguid Decision

What's **NEW** from the ruling?

1 A new definition of ATDS.

In a 9-0 decision, the U.S. Supreme Court ruled that for a device to be considered an ATDS, it must utilize a random or sequential number generator to produce or store telephone numbers and then dial phone them.

2 Express written consent is no longer required for most modern dialers.

Outbound call centers can now dial leads without express written consent under TCPA. (However, see Key Takeaways #4 and #5.)

What's the **SAME** after the ruling?

3 Pre-recorded messages and automated assistants still require consumer consent.

The TCPA still prohibits calling individuals with an IVR, robotic voice solution, or pre-recorded messages without consent.

4 The TCPA is still in place.

The Facebook ruling clarified the definition of ATDS, giving more freedom for autodialer operators to contact leads. However, it's critical to continue following the other rules set forth in the TCPA, state and local regulations, and privacy laws. For example:

- Scrub data against Do Not Call Lists if required
- Never dial emergency services numbers
- Follow state regulations on consent and calls to cell phones

5 Caller ID reputation management and smarter dialing strategies are still vital to sales success.

The ruling may open the door to calling without express written consent; however, aggressive carrier actions and regulations like STIR/SHAKEN will increase call blocking & flagging and in turn lower contact rates. So, outbound call centers need effective solutions and dialing strategies to thrive, including:

- Caller ID Reputation Management
- Omnichannel Outreach
- Superior Redial/Recycle Logic

Support call center compliance, manage caller ID reputation, and maximize contact rates with Convoso.

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