

Insights

FCC Delays Compliance Date for Part of New TCPA Consent Revocation Rule

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On April 7, 2025, the Federal Communications Commission (FCC) granted a limited waiver delaying the effective date of part of Section 64.1200(a)(10), which was issued in a February 2024 Order amending the rules implementing the Telephone Consumer Protection Act (TCPA). This action comes after the 11th Circuit Court of Appeals overturned the FCC's "one-to-one" consent rule earlier this year, which we previously reported on here.

Section 64.1200(a)(10) stated in part that a caller that receives a revocation request for one type of message (e.g., marketing calls and texts) must also apply the revocation to all future robocalls and robotexts from the caller on unrelated matters (e.g., informational or account servicing calls and texts). The waiver extends the compliance deadline to April 11, 2026, providing affected parties with sufficient time to implement the necessary changes to their communication systems. The FCC acknowledged that its decision to grant the extension was influenced by the substantial challenges that the financial and healthcare industries face in coordinating revocation requests across various business units and third-party vendors.

It is important to note that the FCC's limited waiver does not apply to other key provisions in the 2024 Order, including:

- **Consent Revocation Language:** The rule clarifies what it means for a consumer to revoke consent to receive robocalls and robotexts by any reasonable means. A revocation request is reasonable if made using the words "stop," "quit," "end," "revoke," "opt out," "cancel," or "unsubscribe" and is sent in reply to a text message or through a caller specified website or phone number. If the specific words in the Order are not used, a reply revoking consent is effective if it uses words that a reasonable person would understand as a request to revoke consent. There is a rebuttable presumption that a consumer has revoked consent if the consumer can produce evidence that the revocation request was made.
- **Exclusive Means of Revocation Prohibited:** Callers and senders are not permitted to designate an exclusive means of requesting revocation.
- **Time Limit for Honoring Requests:** Callers and senders are required to honor do-not-call and consent revocation requests within a reasonable time, not exceeding ten business days from receipt.
- **Alternative Revocation Methods Disclosure:** If the text messaging technology used does not support receiving replies to texts, senders must clearly and conspicuously disclose on each text reasonable alternative ways to revoke consent.

- **Confirmation Texts:** A one-time text message confirming a consumer's request to stop receiving further messages is allowed, provided it does not contain marketing content and is sent within five minutes of the opt-out request. The confirmation text cannot try to persuade the consumer to reconsider their revocation and may ask for clarification of the scope of revocation if the consumer receives multiple types of texts from the sender. A lack of response from the consumer must be treated as revocation for all types of robocalls and robotexts from the sender.
- **Scope of Consent:** If a consumer requests revocation in response to a marketing call or text, callers and senders can continue exempted informational calls and texts until the consumer opts out separately. Revocation requests received in response to exempted informational calls or texts must stop all further non-emergency calls and texts. Revoking consent in any reasonable way stops both robocalls and robotexts, regardless of the communication medium.

The rule on confirmation texts went into effect on April 4, 2024. The other rules discussed above go into effect on April 11, 2025.

For assistance or additional guidance on complying with these and other TCPA, please contact Brett J. Ashton, David A Bowen or any member of Krieg DeVault's Financial Services Practice.

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