

ACA Wins Cell Phone Issue!

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In a win for the credit and collection industry, the Federal Communications Commission issued on Jan. 4, 2008, an order ruling that autodialed and prerecorded message calls to wireless numbers provided by the called party in connection with an existing debt are permissible.

After years of hard work, ACA has achieved success for the credit and collection industry in regards to contacting consumers via their wireless telephone number. On Jan. 4, 2008, the Federal Communications Commission issued an order ruling that autodialed and prerecorded message calls to wireless numbers provided by the called party in connection with an existing debt are permissible.

Prior to this ruling, the Telephone Consumer Protection Act (TCPA) generally prohibited autodialed and prerecorded message calls to wireless telephone numbers unless there was prior consent from the called party.

In October of 2005, ACA submitted a petition to the FCC requesting clarification that the prohibition against autodialed or prerecorded message calls to wireless telephone numbers under the TCPA does not apply to creditors and debt collectors when initiating such calls to wireless telephone numbers to recover payment for good and services purchased by consumers. In particular, ACA argued the TCPA was designed to reduce telemarketing efforts to wireless telephone numbers, not debt collection efforts by creditors and their collection agencies.

This ruling from the FCC responded favorably to ACA's request, concluding that if a person provides his or her wireless number to a creditor, and the number was provided "during the transaction that resulted in the debt owed," then autodialed and prerecorded message calls to the provided wireless telephone number are permissible under the TCPA. This ruling clarifies that a person voluntarily giving his or her wireless telephone number as a means to be contacted constitutes prior consent under the TCPA.

ACA will provide additional guidance and support regarding the FCC's ruling in the upcoming weeks. Please visit [ACA's Web site](#) periodically to find any updates. [View the full text of the order.](#)

ACA thanks all the members and associations that assisted in seeking this important ruling from the FCC.

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