

# Can You Afford To Send That Text? Connecticut's Mini-TCPA Imposes Substantial Fines on Telemarketers

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Several weeks ago, Connecticut enacted legislation making it illegal for telemarketers to send unwanted text messages to consumers, modernizing the State law and bringing it into accord with the federal Telephone Consumer Protection Act ("TCPA"). Among other things, Connecticut's "mini-TCPA" bans unsolicited commercial calls, and text and media messages to be sent to an individual's cell phone, regardless of whether or not the consumer's telephone number is registered on the State Do-Not-Call list, unless the telemarketer has obtained the consumer's prior express written consent to send the messages. The law also requires companies that issue account statements for cell phones, landline telephones, and mobile devices to send consumers written notice at least twice annually, informing them how to register their numbers on the Connecticut Do Not Call registry and how to file a complaint with the State Department of Consumer Protection.

Notably, the law increases the maximum penalty for each violation of the Connecticut mini-TCPA to \$20,000 - more than 13 times greater than the maximum penalty that can be imposed under the federal TCPA. (Penalties under the TCPA range between \$500 and \$1,500 per violation.)

Connecticut's new law tells a cautionary tale to telemarketers - be very careful when telemarketing to Connecticut residents because the penalties for a violation can be substantial.