

Insights

TCPA UPDATE: THE FCC DELAYS PORTIONS OF REVOCATION OF CONSENT RULES BY ONE YEAR

Apr 11, 2025

On April 7, 2025, the Federal Communications Commission (“FCC”) announced that it would delay portions of a significant new rule pertaining to the revocation of consumer consent under the Telephone Consumer Protection Act (“TCPA”) until April 11, 2026.^[1] The rule was originally set to take effect on April 11, 2025. The TCPA is a federal law governing telephone, text message, and fax marketing and provides a private right of action with statutory damages of \$500-\$1,500 per violation, per consumer.^[2]

On February 15, 2024, the Federal Communications Commission (“FCC”) adopted the Draft Report and Order and Further Notice of Proposed Rulemaking regarding revocation of consent under the TCPA (“Revocation Order”).^[3] Specifically, this order created additional requirements pertaining to the revocation of consumer consent to receive marketing via text messages or robocalls.^[4] The order stated that if a consumer uses any reasonable method to revoke consent, then consent is definitely revoked.^[5] Once a consumer’s consent has been revoked, absent an exception, a consumer can no longer receive robocalls or text messages.^[6] If a consumer revokes consent to informational calls, then that revocation applies to all robocalls and text messages, but if the consumer revokes consent to receive marketing messages, that revocation applies only to marketing messages.^[7] These changes represented significant hurdles for companies seeking to comply with the TCPA.

In response to this rule, several banking and financial associations requested that the FCC delay the Revocation Order for one year.^[8] These associations argued that the delay was necessary to modify their communications systems in accordance with this rule.^[9] Specifically, adjusting these systems often require manual work, and the systems are frequently contracted to third parties.^[10]

The FCC agreed that there was good cause to delay portions of the revocation rule to allow businesses to implement changes to their calling systems to allow them to process revocation requests.^[11] The FCC’s rules can be waived for good cause when compliance is inconsistent with

public interest.^[12] Here, the FCC decided that the public interest was served by allowing more time for businesses to comply.^[13]

While the FCC’s decision to delay the revocation of consent rule is narrow, it applies to what has been considered the most onerous provision of the rule – the requirement for callers to apply an opt-out to informational messages to all types of messages, including marketing messages. Specifically, the FCC decided to delay section 64.1200(a)(10) of the Revocation Order “to the extent the rule requires callers to treat a request to revoke consent made by a called party in response to one type of message as applicable to all future robocalls and robotexts from that caller on unrelated matter.”^[14] In other words, the Revocation Order has been stayed as to the provision that requires callers to apply a consumer’s revocation of consent to all future robocalls and robotext messages from that caller across all communications channels and for all purposes. The “ruling does not otherwise delay the effective date” of the other aspects of the Revocation Order.

Thus, businesses should still aim to abide by the remainder of the Revocation Order and implement these changes to their communications systems. The deadline for compliance with the stayed portion of the rule is now April 11, 2026, but the remainder of the rule is applicable as of April 11, 2025. Keep an eye out for future updates and follow BCLP’s TPCA team for the most up-to-date news and insight on the TCPA, the FCC, and related issues.

[1] *In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Order, DA 25-312 (Apr. 7, 2025) (“Stay Order”).

[2] Telephone Consumer Production Act, 47 U.S.C. § 227.

[3] *In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Report and Order and Further Notice of Proposed Rulemaking, FCC-CIRC2402-02 (January 25, 2024).

[4] 47 CFR § 64.1200(a)(10).

[5] *Id.*

[6] *Id.*

[7] *Id.*

[8] *Id.*

[9] Revocation Order, *supra* note 3, at 2.

[10] *Id.*

[11] *Id.* at 3.

[12] 47 C.F.R. § 1.3.

[13] Revocation order, *supra* note 3, at 3.

[14] Stay Order, *supra* note 1, at ¶1.

RELATED PRACTICE AREAS

- Data Privacy & Security
- Telephone Consumer Protection Act (TCPA)

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