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TCPA compliance checklist for sales floors

45 items for an outbound sales floor. Each line names the rule it comes from. Lines marked **(practice)** are habits we recommend, not law.

Checked November 4, 2026. Not legal advice: state laws differ, so have a TCPA lawyer review your program.

Consent

- [ ] Hold prior express written consent before any autodialed or prerecorded marketing call or text to a cell phone, and before any prerecorded or artificial-voice marketing call to a home landline. 47 CFR 64.1200(a)(2), (a)(3)
- [ ] For autodialed calls or texts that don't sell anything, such as reminders, hold prior express consent, oral or written. 64.1200(a)(1)
- [ ] Make each written consent a signed agreement that names the phone number, authorizes marketing calls by autodialer or prerecorded voice from your company, and says plainly that signing isn't a condition of buying. 64.1200(f)(9)
- [ ] Accept e-signatures (a web form, a text reply, a key press, a recorded "yes") only if they're valid under the E-SIGN Act or state contract law. 64.1200(f)(9)(ii); FCC 12-21 para 34
- [ ] Keep a full record of each consent: name, number, a copy of the request as the person saw it, the purpose, a copy of the consent and the date. Keep it 5 years. 16 CFR 310.5(a)(8)
- [ ] If you use the Reassigned Numbers Database, query each number with its consent date, call only on a "no" and keep the query record. It's optional and paid, from $8 a month for 1,000 queries. 64.1200(m); reassigned.us

Lists and do-not-call

- [ ] Subscribe to the National Do Not Call Registry and give each telemarketer your Subscription Account Number. The first five area codes are free; each extra one is $85 a year, up to $23,425, from October 1, 2026. 16 CFR 310.8; 91 FR 54947
- [ ] Scrub every list against a registry copy no more than 31 days old, and write down which copy you used. This keeps the safe harbor. 16 CFR 310.4(b)(3)(iv); 64.1200(c)(2)(i)(D)
- [ ] Keep a written do-not-call policy you can hand over on request. 64.1200(d)(1)
- [ ] Log every do-not-call request when it's made, honor it within 10 business days and keep it 5 years. 64.1200(d)(3), (d)(6)
- [ ] Give the rep's name, your company's name and a phone number or address on every call. 64.1200(d)(4)
- [ ] Before calling a registry number on an existing relationship, check for a purchase in the last 18 months or an inquiry in the last 3 months, and no opt-out since. The TSR counts it as 540 and 90 days. 64.1200(f)(5); 16 CFR 310.2(q)
- [ ] Scrub the state do-not-call lists for the states you call, such as Florida's, and check each state's registration rules. Fla. Stat. 501.059(4)

Calling hours and frequency

- [ ] Call consumers only between 8 a.m. and 9 p.m. at the called person's location, or the tighter state window in the table below. 64.1200(c)(1); 16 CFR 310.4(c)
- [ ] Set each lead's clock to where the lead is, not where the rep or the dialer is. The rules say "called party's location" and don't name area code as the test. **(practice)** When you have both an area code and an address, use the stricter of the two.
- [ ] In Florida, Oklahoma and Maryland, make no more than 3 sales calls to one person in 24 hours on the same subject, from any number. Federally there's no number cap, but repeated calls meant to annoy or harass are banned. 16 CFR 310.4(b)(1)(i)
- [ ] Before dialing into a state, check whether you must register or post a bond. Florida requires a license and at least $50,000 in security; New Jersey requires yearly registration, out-of-state callers included. Fla. Stat. 501.605, 501.611; N.J.S.A. 56:8-121

State	Calling window	Same-subject cap	Rule
Florida	8 a.m. to 8 p.m.	3 in 24 hours	Fla. Stat. 501.616(6)
Oklahoma	8 a.m. to 8 p.m.	3 in 24 hours	15 O.S. 775C.4
Maryland	8 a.m. to 8 p.m.	3 in 24 hours	Md. Com. Law 14-4502(c)
Washington	8 a.m. to 8 p.m.	None in the statute	RCW 80.36.390(8)
Connecticut	9 a.m. to 8 p.m.	None in the statute	Conn. Gen. Stat. 42-288a(c)
Texas	9 a.m. to 9 p.m.; Sunday from noon	None found	Tex. Bus. & Com. Code 301.051 (check current text)
New Jersey	No calls 9 p.m. to 8 a.m.	None found	P.L.2003, c.76, s.10(c)

Dialer settings

- [ ] Keep abandoned calls at or under 3% of calls a live person answers, per campaign, per 30-day period. A call is abandoned if no rep is on the line within 2 seconds of the greeting. 64.1200(a)(7); 16 CFR 310.4(b)(4)
- [ ] **(practice)** Set the dialer's abandon cap at or below 3% and know what it does at the limit. Defaults differ: ReadyMode's help center shows a 2.5% default you can change.
- [ ] Let unanswered calls ring at least 15 seconds or four rings before hanging up. 64.1200(a)(6)
- [ ] When no rep is free, play a recorded message that names the seller, says the call was for telemarketing, gives a number that takes do-not-call requests in business hours and offers a key-press opt-out. 64.1200(a)(7)(i)
- [ ] Show a real caller ID number (or your name and a customer-service number) that someone answers in business hours, keep proof you're allowed to use it, and never block or spoof it. Use a phone provider that signs calls under STIR/SHAKEN. 47 CFR 64.1601(e), 64.6301; 16 CFR 310.4(a)(8), 310.5(a)(2)(ix); 47 U.S.C. 227(e)

- [ ] Don't lean on "we're not an autodialer." Hours, registry, do-not-call, abandonment and caller ID rules apply to sales calls whatever dialer you use, and Florida's and Oklahoma's laws use wording about automated dialing that's broader than the federal test. Facebook v. Duguid; Fla. Stat. 501.059(8)(a)
- [ ] For AI-voice and prerecorded calls, get consent first (written, for sales calls), name the business at the start, give a callback number and offer a key-press opt-out within 2 seconds of that identification. FCC 24-17; 64.1200(b)
- [ ] **(practice)** Write down every setting above with a date. Check it again after any dialer, carrier or number change.

Call recording

- [ ] Know the federal floor: one party's consent is enough under federal wiretap law, and neither the TCPA nor the TSR sets a recording-notice rule. 18 U.S.C. 2511(2)(d)
- [ ] Go by the lead's state. All parties must consent in California, Florida, Maryland, Massachusetts, Pennsylvania, Washington, Montana and New Hampshire, and Connecticut's civil rule says the same. Check Illinois, Michigan, Delaware and Nevada with counsel. Cal. Penal Code 632; Fla. Stat. 934.03
- [ ] Announce the recording at the start of every call, and make sure the announcement is on the recording. Washington and Connecticut write this into law; elsewhere it's the safe habit. RCW 9.73.030(3); Conn. Gen. Stat. 52-570d
- [ ] **(practice)** When the rep and the lead are in different states, follow the stricter state. California's Supreme Court applied California law to calls recorded from Georgia in Kearney v. Salomon Smith Barney (2006).
- [ ] **(practice)** Write down how long you keep ordinary recordings. No federal rule sets a period, but recordings that prove consent fall under the 5-year consent record rule. 16 CFR 310.5(a)(8)

TCPA compliance checklist for texting (SMS)

- [ ] Treat every marketing text as a call: the same consent, do-not-call, hours and opt-out rules apply. 64.1200(a)(9), (e); Campbell-Ewald v. Gomez
- [ ] Get signed written consent before any autodialed marketing text (see the consent items), and scrub text lists against the registry and your internal list. 64.1200(c)(2), (e); FCC 23-107
- [ ] Treat stop, quit, end, revoke, opt out, cancel and unsubscribe, or any other clear request, as an opt-out, and stop within 10 business days. Any confirmation text carries no marketing. 64.1200(a)(10), (a)(12)
- [ ] From November 25, 2026: you may name one opt-out method (a reply word, a key press, a website or a number) only if you say so clearly in each text or call. Name none and any reasonable request counts. A stop to a marketing text ends all marketing texts from you. FCC 26-67, 91 FR 67214
- [ ] Text only between 8 a.m. and 9 p.m. in the lead's time, or the tighter state window. The FCC hasn't ruled on whether consent lifts that window for texts, so obey it. 64.1200(c)(1); DA 25-216
- [ ] Check state text laws where you send. Florida, Oklahoma, Maryland and Washington have their own, and in Washington damages for suits filed on or after June 11, 2026 are $100 a text. Wash. Laws 2026, ch. 135

- [ ] Carrier rules (not law, but unregistered texts get blocked): register your brand and campaign for 10DLC with The Campaign Registry, and follow the opt-in and opt-out guidance in the CTIA Messaging Principles.

Records and audits: your TCPA audit checklist

Record	Keep it for	Rule
Call records: numbers, date, time, length, script, disposition	5 years	16 CFR 310.5(a)(2)
Scripts, ads and prerecorded messages	5 years after last use	310.5(a)(1)
Consent records	5 years	310.5(a)(8)
Which registry copy each campaign used	5 years	310.5(a)(11)
Contracts with dialing and calling vendors	5 years after they expire	310.5(a)(9)
Do-not-call requests	Honored for 5 years	64.1200(d)(6)
Abandonment-rate records	No FCC period; keep 5 years to match the TSR	64.1200(a)(7)(iii)

- [ ] Keep every record in the table above for the period shown. 16 CFR 310.5
- [ ] Monitor and enforce your own procedures, and keep records showing you did. 16 CFR 310.4(b)(3)(v), 310.5(d)
- [ ] **(practice)** Run a dated internal audit every quarter: sample calls and consents, check calling hours, the scrub date, the abandon rate and opt-out turnaround, and file the result. No regulator sets a frequency or sample size. The do-not-call defense in 47 U.S.C. 227(c)(5) turns on "reasonable practices and procedures" kept with due care.
- [ ] Check that vendors and lead sources log and honor consent and opt-outs. You answer for their misses. 64.1200(d)(3); FCC 13-54

TCPA compliance training for reps

- [ ] Train every rep, and any vendor that calls for you, on your do-not-call list and written procedures before they dial. 64.1200(d)(2); 16 CFR 310.4(b)(3)(ii)
- [ ] Never let a rep argue with or keep pitching someone who asks to be put on your do-not-call list. 16 CFR 310.4(b)(1)(ii)
- [ ] **(practice)** Cover the calling window and the lead's location, which consent each call type needs, how to log a stop request on the call, the recording announcement and how to identify yourself.
- [ ] **(practice)** Re-train when the rules change (next: November 25, 2026) and keep dated sign-offs for every rep.

Rule links, the dated changes for November 25, 2026 and the FAQ are on the web version: cleanform.io/blog/tcpa-compliance-checklist/