TELEPHONE CONSUMER PROTECTION ACT

47 U.S.C. Section 227(b)(1 prevents automatic telephone dialing system to call cell phones. This rule against said calls apply if the call is auto dialed, robo dialed or dialed using a predictive dialer. You might be the victim if you receive a call with a pre-recorded message or computer/mechanical voice. An automatic telephone dialing system is one that can store or produce telephone numbers to be called using a random or sequential number generator and the ability to dial such numbers. As a warning to the companies who use said equipment, the system need not use the ability, but simply have the ability.

One defense is express permission. This could be permission given at the time credit was extended. Permission can be given by a spouse. Permission can be given to a doctor’s office in a medical context. Some cases find consent when the consumer provided their cell number sometime after an account is opened. However, consent can also be revoked.

The result of the above, is damages of $500 to $1500 per call. The consumer need not prove actual damages. There is no proof required of the consumer as to actual damages and no proof t