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Connecticut

Does your state have its own version of the TCPA?

Yes.

If so, please explain the distinction between the state's iteration of the TCPA.

Connecticut's TCPA is more stringent than the Federal TCPA in the following ways:ⁱ

- Connecticut TCPA mandates prior express written consent for all unsolicited text and media messages for marketing and sales purposes regardless of whether the calls are made using (i) live voice, (ii) an automated dialing system, (iii) recorded message devices, (iv) soundboard technology, or (v) over-the-top messaging or text or media messaging. This is true even for those *not* on a do-not-call list.ⁱⁱ
- Connecticut limits telemarketing calls between 9:00 a.m. and 8:00 p.m.ⁱⁱⁱ
- Connecticut requires those making a telephonic sales call to disclose (1) the person's identify; (2) the purpose of the telephonic sales call; and (3) the identify of the entity for which the person is making such telephonic sales call, if any, not later than ten seconds after the call begins.^{iv}
- There is a rebuttable presumption that a call made, or attempt to make a call, to a telephone number with a Connecticut area code or a person residing in Connecticut has taken place in Connecticut.^v
- A party who violates the Connecticut TCPA may be fined up to \$20,000 for each violation.^{vi}

Please address state specific consumer protection statutes that are often paired with TCPA or its state iterations and the additional element and penalties.

Connecticut law expressly provides that a violation of Connecticut's TCPA is also an unfair or deceptive trade practice pursuant to the Connecticut Unfair Trade Practice Act ("CUTPA"). CUTPA provides for injunctive relief, punitive damages and equitable relief, in addition to costs and reasonable attorneys' fees based upon the work reasonably performed by the attorney and not on the amount of recovery. Further, a violation of CUTPA can be brought as a class action.

What are the current best practices to comply with the State's iteration of the TCPA?

- Obtain express written consent and maintain the records showing you obtained express written consent.
- Subscribe to the Federal "Do-Not-Call" Registry and maintain an internal do-not-call list.
- Implement clear and straightforward opt-out mechanisms.
- Ensure calls are made during the permissible window.
- Create a script to help your team provide the call recipient the required information within ten seconds of the initiation of the call.
- If you are asked to end the call, do so within ten seconds to avoid violations.

ⁱ Connecticut's version of the TCPA is codified at Connecticut General Statutes §42-284 *et. seq.*

ⁱⁱ Conn. Gen. Stat. §42-288a(m).

ⁱⁱⁱ Conn. Gen. Stat. §42-288a(c).

^{iv} Conn. Gen. Stat. §42-288a(d).

^v Conn. Gen. Stat. §42-289(c).

^{vi} Conn. Gen. Stat. §42-288a(o).