

## MONTANA

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### Does your state have its own version of the TCPA?

Yes. The State of Montana has codified the “Telephone Solicitation No-Call List” under Mont. Code Ann. sec. 30-14-1601 through 1606. Montana has also codified the “Montana Telemarketing Registration and Fraud Act” under Mont. Code Ann. sec. 30-14-1401 through 1414.

Both acts fall within Chapter 14 of Montana Law for Unfair Trade Practices and Consumer Protection.

### *If so, please explain the distinction between the state’s iteration of the TCPA.*

The Montana No-Call Act provides that:

1. No “person or entity may make or cause to be made any telephone solicitation to the telephone line of any residential subscriber” . . . “who has given notice to the department, . . . , of the residential subscriber’s objection to receiving telephone solicitations.”
2. The Act allows for criminal and civil penalties. Under the civil penalty, the subscriber may recover the greater of:
  - a. The actual monetary loss from a knowing violation; or
  - b. \$5,000 in damages for each knowing violation.
3. The Act specifically allows for remedies set forth in Montana Code Ann. sec. 30-14-101 *et seq.* Those sections allow for the recovery of attorney fees and treble damages on a discretionary basis.

The Montana Telemarketing Act provides that:

1. Unless exempt, sellers or telemarketers must register with the Montana Department of Justice.
2. Unless exempt, this requires that a bond be obtained.
3. Any sellers or telemarketers should read Mont. Code Ann. secs. 30-14-1411 and -1412 for a listing of prohibited acts.
4. This Act provides for recovery of the actual damages and attorney fees. Criminal penalties also exist.

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

- Both above Acts may be paired, depending on the facts.
- More importantly, the more General Consumer Protection Act applies which allows for the discretionary recovery of attorney fees and treble damages.

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

Montana has fully integrated with the National Do Not Call Registry. Therefore, businesses must acquire the (406) area code or package of area codes that include the (406) area code from the National Do Not Call Registry.

The State of Montana, Department of Justice, for the Telemarketing Companies provides a summary of requirements which should be consulted. The link is: <https://dojmt.gov/office-of-consumer-protection/telemarketing-businesses/#:~:text=Montana%20has%20fully%20integrated%20its,National%20Do%20Not%20Call%20Registry.>