

Wyoming

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.

Wyoming's Telephone Solicitation Consumer Protection Act (WYTSCPA) can be codified as Wyo. Stat. §40-12-301 et. seq. Like the TCPA, the WYTSCPA is designed to protect consumers from unwanted telemarketing calls. The WYTSCPA prohibits most telephone solicitors from calling residential, mobile, or pager numbers that have been enrolled in and appear on the Direct Marketing Association's (DMA) Telephone Preference Service (TPS) for more than sixty (60) days. Certain calls, including calls made at the request of the person called, made primarily in connection with an existing debt or contract, made to a person with whom the caller has an established business relationship, and those initiated by a merchant making less than 250 unsolicited calls per year are exempt. Most charity and political fundraisers are also exempt.

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

Pursuant to Wyo. Stat. § 40-12-304, provides for the following civil penalties for violations.

- For the first violation, not to exceed five hundred dollars (\$500.00);
- For the second violation, not to exceed two thousand five hundred dollars (\$2,500.00);
- For the third and subsequent violations, not to exceed five thousand dollars (\$5,000.00) per violation.

In addition, the WYTSCPA provides that the prevailing party is entitled to recover reasonable attorneys' fees and costs; including any appeal.

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

- Wyoming's sole area code is 307. Checking the DMA-TPS for any 307 area code numbers every 30 days.,
- Limit any telephone solicitations to between 8 am and 8 pm, Mountain Standard Time; per Wyo. Stat. §40-12-302

- Provide consumer option to opt out of further communication at the end of the call.