Marketing Calls and Text Messages: Five Steps to Legal Compliance

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Marketing calls and text messages can be a great tool to reach your customers, close a sale, or maintain commercial relationships. But navigating compliance with the Oklahoma Telephone Solicitation Act (OTSA) can be a daunting process. A mistake or oversight can lead to significant financial penalties and legal costs. Following these five steps, you can help ensure your marketing efforts are OTSA compliant:

1. Consent is Crucial:

The OTSA requires "prior express written consent" to receive marketing calls or texts. Obtain clear, written authorization through signed forms, properly formatted website agreements, or verifiable electronic records. After you obtain the consent, keep it on file.

2. Limit Your Calls/Texts:

Regardless of prior written consent, the OTSA restricts the number of calls or text messages you can make to the same person about the same topic within a 24-hour period. Even with prior consent, making more than three calls or texts is prohibited. This applies regardless of the phone numbers used. Combining calls from different departments or marketing campaigns may still count towards the limit.

3. Watch the Clock:

Respect the recipient's time. Do not make calls or texts before 8:00 AM or after 8:00 PM. Be mindful of time zone differences when calling out-of-state or when your calls/texts originate in a different time zone.

4. Transparency Matters:

Be upfront and honest with the people you contact. Clearly identify your company and purpose in the call or text message. Your outgoing Caller ID must accurately identify your business and provide a working number for return calls. New AI technologies are amazing, but do not use them to change or create a voice that may confuse the recipient.

5. Stay Informed and Seek Help:

The OTSA is not the only set of laws regulating marketing calls or text messages; the applicable state and federal restrictions are constantly evolving and changing. Any legal case involving potential violations is highly nuanced and fact specific. Strongly consider the assistance of legal counsel for a comprehensive understanding of your compliance obligations and to stay updated on any amendments or clarifications to state and federal law.

Compliance is not just about avoiding penalties — it builds trust with your customers. By prioritizing ethical communication practices, you can foster lasting trust in your brand. Embracing these five steps, you can ensure OTSA compliance and focus on what truly matters: building strong relationships with your Oklahoma customers.

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