

Press Coverage | March 31, 2025

FCC Seeks Comments on Petition to Address TCPA ‘Quiet Hours’

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Virginia Bell Flynn

Virginia Bell Flynn, a partner in Troutman Pepper Locke’s Consumer Financial Services Practice Group, was quoted in the *AccountsRecovery.net Compliance Digest* article, [“FCC Seeks Comments on Petition to Address TCPA ‘Quiet Hours’.”](#)

The Federal Communications Commission has released a new notice inviting comments on a petition aimed at clarifying and potentially waiving certain provisions of the Telephone Consumer Protection Act related to when calls and text messages can be sent. [More details here.](#)

WHAT THIS MEANS, FROM VIRGINIA BELL FLYNN OF TROUTMAN PEPPER LOCKE: The Ecommerce Innovation Alliance and other stakeholders filed a petition with the Federal Communications Commission (FCC) to address the Telephone Consumer Protection Act (TCPA)’s “Quiet Hours” rule, which restricts telemarketing calls and text messages to between 8 a.m. and 9 p.m. local time. Petitioners argue that businesses which have obtained prior express written consent from consumers to receive marketing text messages should not be liable for TCPA violations if such messages are sent outside of the Quiet Hours. Businesses are also often unable to determine the exact location of a recipient at the time a text is sent, so it is difficult to ascertain the relevant local time. Petitioners identified a law firm that is exploiting the TCPA’s provisions by advertising that text messages sent outside of Quiet Hours are “illegal,” regardless whether prior express consent was granted. Without clarification from the FCC, businesses face heightened risk of TCPA litigation, often arising from claims that are based on frivolous allegations. Should the FCC issue a declaratory ruling to confirm that text messages sent to consumers who have provided prior express written consent are not subject to TCPA claims based on the Quiet Hours rule, we anticipate that litigation risk and cost will decrease. The FCC has released a notice inviting comments on the petition, with a deadline of April 10.

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