



NEW LITIGATION RISK: Liability from Non-Compliance with the TCPA's Caller ID Requirements

In the first ruling of its kind, a federal court in Michigan held that 47 C.F.R. § 64.1601(e), regarding Caller ID Requirements, confers a private right of action under the TCPA—meaning **penalties of \$500 per non-compliant call or text, or up to \$1,500 per knowing or willful violation.**

The Rule: Caller ID Requirements

Two requirements, under § 64.1601(e), for all telemarketing **calls and/or text messages**:

- 1. PHONE NUMBER DISPLAY REQUIREMENT:** Transmit outbound **telephone number**
 - The phone number may be substituted for the telemarketer's customer service phone number
 - Blocking or hiding the outbound phone number is not permitted
- 2. NAME DISPLAY REQUIREMENT:** Display the **name of the telemarketer** by displaying either:
 - The name of the telemarketer on the recipient's Caller ID OR
 - The name of the seller on behalf of which the telemarketing call is placed on the recipient's Caller ID

A Requirement for a Branded Caller ID Solution?

- § 64.1601(e) requires displaying the name of the telemarketer "when available by the telemarketer's carrier"
- This regulation was drafted in 2003—now, in 2025, there is little doubt about the availability of Caller ID
- Whether through a carrier or a branded Caller ID solution, the regulation requires a name to be displayed

The above requirements are for **all telemarketing**, regardless of whether there is any type of consent and regardless of even an established business relationship.

The Risk: MASSIVE LIABILITY

- With a private right of action, plaintiffs may bring **class action** claims with **each call/text** creating liability of:
 - \$500 per violation (meaning **every** call or text that does not comply with the above requirements)
 - \$1,500 per knowing or willful violation
- If you are not showing Caller ID, a class could include **all of your telemarketing call and text recipients**

The Origin: a Ruling in Michigan

- It was the first ruling of its kind, as a federal court in Michigan held that the Caller ID Requirements confer a private right of action under the TCPA, thereby allowing a plaintiff to sue for past Caller ID violations
- The Michigan ruling is the minority view, as every previous ruling has gone the other way, but it shows that you can be held liable for violating the Caller ID Requirements—and other courts may follow suit

Next Steps: Review Your Calling Practices

1. Are you **showing your business name** for all calls and text messages?
 - If you **are not**, you may be **violating** the Caller ID Requirements
 - Check to see if your carrier or dialing system supports showing your name on the outbound Caller ID
 - If not, you may need to look into a branded Caller ID solution to comply with the requirements
2. Are you **hiding or blocking your outbound phone number** for any of your telemarketing?
 - If you **are**, you may be **violating** the Caller ID Requirements
3. Contact **Troutman Amin, LLP** with your questions about the requirements, or for compliance strategies