

Reassigned Numbers Playing a Role in Spike in TCPA Lawsuits

Prepared by PossibleNOW's sister company, CompliancePoint

In an era where consumers are more protective of their privacy and phone numbers than ever before, the Telephone Consumer Protection Act (TCPA) has become a powerful tool for holding businesses accountable for unwanted calls and texts.

Over the past few years, there has been a noticeable surge in TCPA-related class action lawsuits, especially those tied to the use of autodialers and the increasingly relevant issue of calling reassigned numbers. With the FCC's Reassigned Numbers Database (RND) gaining traction, businesses are under growing pressure to ensure their dialing practices are fully compliant.

The TCPA: a Legal Minefield

The TCPA restricts telemarketing calls, texts, and faxes, particularly those made using automated technology. While originally created to curb traditional telemarketing abuses, it has evolved to address modern communication practices, including mass texting and robocalling.

Key areas where companies get into trouble:

- Using autodialers or prerecorded messages without prior consent.
- Calling or texting numbers on the National Do Not Call (DNC) registry.
- Contacting numbers that have been reassigned to new users without verifying updated ownership.

Violations of the TCPA can lead to statutory damages of \$500 to \$1,500 per unwanted call or text, which adds up quickly in class actions involving thousands, or even millions of contacts.

Reassigned Numbers: the Silent Legal Trap

One of the most overlooked risks in TCPA compliance is calling a number that has been reassigned to a new user. Imagine this: a consumer gives consent to receive calls or texts but later disconnects the number. If that number is reassigned and the new owner never gives consent, any continued outreach can lead to TCPA liability, even if the company believes it has proper permission.

This scenario has become the centerpiece of many recent lawsuits, catching even well-meaning companies off guard.

The other more problematic issue is that professional plaintiffs are using this tactic of giving consent and changing phone numbers as a tool in their kit. We've even been made aware of scenarios where the litigant works with others to give consent and then switch phone numbers so the new "owner" is not the same person that gave the consent.

The Reassigned Numbers Database (RND): a Game Changer

To mitigate this issue, the Federal Communications Commission (FCC) launched the Reassigned Numbers Database in late 2021. The RND allows businesses to check whether a phone number has been permanently disconnected and reassigned to someone else before initiating a call or text.

If a business uses the RND and receives a “no” response (meaning the number has not been reassigned), it may qualify for a safe harbor from TCPA liability, even if the call turns out to be a mistake.

However, to benefit from this protection, companies must:

- Subscribe to the RND
- Query the database before making calls/texts
- Keep records of their queries and results

Despite the clear benefits, adoption of the RND has been slower than expected, partly due to cost concerns and technical hurdles. Unfortunately, failing to use it may soon be seen as negligent in the eyes of courts, particularly as plaintiffs become more sophisticated.

There were nearly 530 million disconnected wireless and landline telephone numbers in Q1 2025, emphasizing the need to ensure express written consent is still valid for the person a company thinks they are contacting.

Why Class Actions are on the Rise

Several factors are fueling the increase in TCPA-related class action suits:

- **High Payouts:** Plaintiffs’ lawyers are incentivized by potentially massive settlements
- **Ambiguous Rules:** Many businesses struggle to keep up with evolving FCC rulings and court interpretations
- **Technology Missteps:** Autodialer use, AI-powered outreach, and CRM integrations often result in non-compliant behavior
- **Lack of RND Usage:** Companies that skip the RND are easy targets for lawsuits involving reassigned numbers

Best Practices for Staying Compliant

To reduce the risk of costly lawsuits, companies should:

- Obtain and document prior express written consent for all calls and texts, including dates.
- Regularly scrub contact lists against the internal DNC lists.
- Use the Reassigned Numbers Database before making outbound communications.
- Implement a robust compliance program that includes training, audit trails, and legal reviews.
- Consider third-party platforms that integrate TCPA compliance tools directly into marketing workflows.

Conclusion

The wave of TCPA class actions isn’t slowing down; if anything, it’s intensifying. With the RND, companies have no excuse not to protect themselves and their customers. Staying ahead of the compliance curve isn’t just good legal practice; it’s good business.