

STATE TELEMARKETING LAWS

Texas

Telemarketing and Robocall Laws

Statutes, rules, and how they differ from the TCPA



By Adam Young and Harrison Gevirtz

<https://tcpa.com/state-telemarketing-laws/texas/>

01. Seller registration (ch. 302)

TEX. BUS. & COM. CODE CH. 302

Most sellers calling or texting from or into Texas register each location with the Secretary of State, pay \$200 and post \$10,000 security.

02. No-call and caller ID (ch. 304)

TEX. BUS. & COM. CODE CH. 304

The Texas no-call list, fax solicitation rules, and a ban on blocking or spoofing caller ID by telemarketers, enforced by the PUC and AG.

AT A GLANCE

Texas at a glance

WHY TEXAS MATTERS

Since September 1, 2025, SB 140 brings texts into Chapter 302 and makes Chapter 304 and 305 violations deceptive trade practices. Chapter 305 lets a person sue in Texas over a TCPA violation: \$500, up to \$1,500 if knowing.



Who and what is covered

Since SB 140, a Chapter 302 "telephone solicitation" is "a call or other transmission, including a transmission of a text or graphic message or of an image," to induce a purchase.

Exemptions and burden

Publicly traded companies, insurance licensees, financial institutions and FCC licensees are exempt; whoever claims an exemption must prove it.

Aa. **Sellers**

A person making a solicitation on its own behalf, from Texas or to a Texas purchaser.

Bb. **No-call**

Ch. 304 exempts consumer-initiated, business relationship, business, debt and some licensee calls.

Cc. **Texts**

Ch. 304 covers texts to mobile numbers; Chapter 302 does too for conduct from Sept. 1, 2025.

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Consent for mobile calls

§ 305.001 bars a sales call, or an automatic dial announcing device call, to a mobile number when the caller knows or should know the person is charged for that call and has not consented.

Narrow reach

The rule turns on a per-call charge, so its practical reach under modern unlimited plans is narrow.

Penalty and review

A Class C misdemeanor. The county or district attorney where the called person lives investigates complaints.

01. Texas no-call list

TEX. BUS. & COM. CODE §§ 304.051, 304.052

Combines state sign-ups with the Texas part of the national registry. No telemarketing call to a listed number more than 60 days after it appears.

02. Buy each quarterly list

16 TEX. ADMIN. CODE § 26.37

Telemarketers buy each published version, at up to \$75 per list per quarter, unless all calls are exempt or a contract covers it.

DO-NOT-CALL

Do-not-call and opt-outs

IN PRACTICE

Entries last three years. The Texas business relationship exception has no 18-month or three-month limit. PUC rules must excuse an isolated call by a caller with adequate procedures (§ 304.058).



Calling hours and Sundays

Chapter 301 sets the hours for consumer telephone calls: unsolicited calls to residential numbers by a telephone solicitor. The same windows apply to recorded-message calls under Utilities Code § 55.125.

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Noon start, Sundays

Sunday calls only "after 12 noon and before 9 p.m." (§ 301.051(b)(2)).



9 a.m. to 9 p.m.

Weekdays and Saturdays (§ 301.051(b)(2)), one hour later than the federal 8 a.m. start.



Identify at once

Name, business and purpose immediately after contact. No time zone or holiday rule is stated.

Robocalls and caller ID

Texas defines an automated dial announcing device as equipment that can store or generate numbers and play a recorded or synthesized voice message with no live operator.

PUC permit first

No ADAD use without a PUC permit, valid one year; fees up to \$500, renewal up to \$100 (Util. Code §§ 55.130, 55.131).

Aa. **Caller ID**

No blocking, circumventing or misleading caller ID; unlike federal law, no intent is needed.

Bb. **Message**

State nature, caller and number in the first 30 seconds; keep sales messages under 30 seconds.

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Cc. **Disconnect**

Hang up within 5 seconds, or a live operator must get oral consent first (§ 55.126).



Registration and bonding

Under § 302.101(a), a seller may not make a telephone solicitation from Texas or to a Texas purchaser without a Secretary of State registration certificate for that business location.

\$10,000

Required security

A bond, letter of credit or certificate of deposit, conditioned on compliance with Chapter 302 (§ 302.107).



\$200 filing fee

One registration per calling location, effective one year and renewed annually (§§ 302.101(b), 302.104, 302.106).



Quarterly addenda

File an addendum each quarter naming every salesperson who solicited (§ 302.105(a)).



Lawsuits and penalties



\$500

§ 305.053: sue in Texas
over a TCPA violation, \$500
each, up to \$1,500 if
knowing or intentional.

DTPA

Chapters 302, 304 and 305
use DTPA remedies:
economic damages, up to
triple if knowing, and
attorney fees.

\$5,000

Civil penalty per Chapter
302 violation. A knowing
registration violation is a
Class A misdemeanor.





Texas vs. the TCPA

Texas adds seller registration and bonding, later calling hours, a Sunday noon start, PUC robocall permits and DTPA fee exposure. Its no-call private action is narrower, with pre-suit steps and a \$500 cap. Section 305.053 borrows the federal standard.

Texas

Calls 9 a.m. to 9 p.m., Sundays from noon, \$10,000 security, PUC permit for robocalls, DTPA fees.

Federal TCPA

Calls 8 a.m. to 9 p.m. every day, no seller registration, no robocall permit, no TCPA attorney fees.

Key court rulings

These federal rulings address pleading a Chapter 302 registration claim, damages for calls by an unregistered seller, and double recovery under § 305.053.

Texts and SB 140

The Callier texts were sent in May 2025, before SB 140 took effect, and the report does not discuss SB 140.

Aa. **Hyde**

N.D. Tex. 2024: alleging no § 302.101 certificate states a fact; the court declined to dismiss.

Bb. **Ortega**

W.D. Tex. 2025, default judgment: \$5,000 per call under § 302.302(a), plus \$500 under the TCPA.

\$55K

Cc. **Callier**

W.D. Tex. 2026: § 305.053 is coextensive with the TCPA; no second award for the same text.



Recent amendments



01. Registration and texts

TEX. BUS. & COM. CODE CH. 302

- Confirm registration or document the exemption relied on.
- Register each location, post \$10,000 and renew yearly.
- File quarterly salesperson addenda.
- Treat texts from Sept. 1, 2025 as telephone solicitations.

02. Calls, lists and robocalls

CH. 301, CH. 304; UTIL. CODE CH. 55

- Buy each quarterly no-call list; suppress within 60 days.
- Call 9 a.m. to 9 p.m.; on Sundays, noon to 9 p.m.
- Get a PUC permit before any recorded-message campaign.

CHECKLIST

Compliance checklist

PLEASE NOTE

This checklist summarizes state law for general information and is not legal advice. Statutes change; confirm current text with the official source.



Sources behind this deck (1 of 2)

TEXAS LAW

[Tex. Bus. & Com. Code ch. 301](#) telephone solicitation practices

[Tex. Bus. & Com. Code ch. 302](#) regulation of telephone solicitation

[Tex. Bus. & Com. Code ch. 303](#) law enforcement-related charities

[Tex. Bus. & Com. Code ch. 304](#) Telemarketing Disclosure and Privacy Act

[Tex. Bus. & Com. Code ch. 305](#) solicitation calls; TCPA cause of action

[Tex. Bus. & Com. Code ch. 306](#) consumer telephone records

TEXAS LAW (CONTINUED)

[Tex. Bus. & Com. Code ch. 17](#) Deceptive Trade Practices Act

[Tex. Util. Code ch. 55, subch. F](#) automatic dial announcing devices

[16 Tex. Admin. Code § 26.37](#) PUC no-call list rule

[SB 140 \(89th Leg., R.S.\)](#) enrolled text

[Texas SOS: telephone solicitation registration search](#)

Read the full Texas guide: <https://tcpa.com/state-telemarketing-laws/texas/>

Sources continued (2 of 2)

COURT DECISIONS

[Hyde v. Kirkendall Dwyer, LLP](#), No. 3:23-CV-1633-L-BN (N.D. Tex. Sept. 4, 2024)

[Ortega v. Herrera](#), No. SA-24-CV-00769-XR (W.D. Tex. May 16, 2025)

[Callier v. American Auto Group LLC](#), No. 3:25-cv-00231-LS (W.D. Tex. May 29, 2026) (report and recommendation)

[Callier, order adopting the report](#) (W.D. Tex. June 16, 2026)

FEDERAL LAW

[47 U.S.C. § 227](#) Telephone Consumer Protection Act

[47 C.F.R. § 64.1200](#) FCC telemarketing and robocall rules

[16 C.F.R. Part 310](#) FTC Telemarketing Sales Rule

Read the full Texas guide: <https://tcpa.com/state-telemarketing-laws/texas/>

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Full text: <https://tcpa.com/disclaimer/> and <https://tcpa.com/terms/>

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The law changes

Current as of October 15, 2026. Statutes, FCC and FTC rules and court decisions change, and some changes are adopted before they take effect. This deck may not reflect later developments.

Courts disagree. Courts in different places can read the same rule differently. Case summaries are not predictions: any other matter turns on its own facts, court and law.

Check the official source. Verify each point against the statute, rule or opinion on the Sources slides. If an official source and this deck differ, the official source controls.

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Read the full Texas guide on TCPA.com

The guide covers registration, the Texas no-call list, calling hours, robocall permits, SB 140, key rulings and a compliance checklist, with links to the official sources.



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Adam Young

Adam Young is a Miami entrepreneur, the CEO of Ringba and the author of The Pay Per Call Revolution, with more than a decade in telecom, call routing and performance marketing. At TCPA.com he writes about the TCPA, robocall enforcement, tech support fraud cases and what DOJ, FTC and FCC actions mean for companies that make calls. His goal is simple: keep good companies compliant and keep scammers off the phone network.

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