

Publications

September 16, 2025 • Updates

Texas Expands Its Mini-TCPA: Text Messages Now Covered, Litigation Risk Rises

Key Takeaways:

- The Texas Mini-TCPA now expressly includes text messages as “telephone solicitations,” expanding the scope of businesses required to comply with Texas’s unique registration and security requirements.
- Violations of the Texas Mini-TCPA’s do-not-call and mobile telemarketing consent provisions are now deemed “unfair or deceptive practices” under the Texas Deceptive Trade Practices Act, increasing litigation risk.
- Companies should review their approach to telemarketing in Texas and consider whether they should obtain a Texas telemarketing registration certificate or whether their activities fall into any of the statutory exemptions.

Texas Mini-TCPA Amendments Take Effect

Texas is one of several states that have adopted their own version of the federal Telephone Consumer Protection Act (TCPA), also known as a “Mini-TCPA.” The Texas Mini-TCPA covers much of the same ground as the federal TCPA, prohibiting sellers from contacting consumers on the federal or state do-not-call lists and prohibiting telemarketing to mobile devices without consent.

Passed earlier this year, Texas Senate Bill 140 (SB-140) amended Texas’s Mini-TCPA in two key ways that will now significantly impact companies engaging in telemarketing activities in the state.

Texting Now Triggers Telemarketing Rules and Registration Requirements

SB-140 amended the definition of “telephone solicitation” in Chapter 302 to expressly include not only telephone calls, but also any “other transmission, including a transmission of a text or graphic message or of an image.” This update aligns with how the Federal Communication Commission (FCC) has traditionally treated text messages under the federal TCPA (though at least one court has rejected that guidance¹), as well as the chapter of Texas’s Mini-TCPA that governs do-not-call requirements.

Related People

- Russell S. Jones, Jr.
- Rodney L. Lewis
- Alexander S. Altman
- Courtney P. Klaus

Related Capabilities

- Telephone Consumer Protection Act Litigation (TCPA)
- Telecommunications Litigation
- Class Action & Multidistrict Litigation

But unlike the federal TCPA and other state analogues, the Texas Mini-TCPA also imposes certain registration requirements on businesses. Before they can make a telephone solicitation from Texas or to a Texas person, companies must first obtain a registration certificate — a process that requires filing a registration statement with the Texas Secretary of State, paying a filing fee of \$200, and providing a \$10,000 security in the form of a bond, an irrevocable letter of credit or a certificate of deposit. Though these requirements already applied to businesses making traditional telemarketing phone calls, companies contacting Texans via text message will have to open their checkbooks as well.

The Texas Mini-TCPA does include a number of exemptions, including for educational and nonprofit organizations, solicitations for food sales and media subscriptions and most sales from established brick-and-mortar retail stores. For many businesses, the exemption for solicitations “from a former or current customer” would offer the broadest relief — if it weren’t so ambiguous. Currently, the parameters of what a customer is or when a former customer relationship ends remain undefined.

TDTPA Now Covers More Violations, Enables Direct Lawsuits

SB-140 also expanded consumers’ private right of action for alleged violations of the Mini-TCPA’s registration, do-not-call and mobile telemarketing consent provisions, categorizing all as violations of Subchapter E of the Texas Deceptive Trade Practices Act (TDTPA). While violations of the registration provisions already fell within the scope of the TDTPA, this provision now has a broader reach as the Mini-TCPA has expanded the universe of businesses required to register.

This change effectively eliminates the need for plaintiffs to pursue administrative actions before they can bring a civil complaint in state or federal court for violations of the Texas Mini-TCPA. The law, as amended, also expressly permits plaintiffs to pursue multiple actions under the Texas Mini-TCPA, and recovery for one violation does not preclude future claims. Moreover, a consumer may aggregate damages for multiple violations and can recover under **both** the federal TPCA and the Texas Mini-TCPA.

What this Means for Businesses

The amendments in SB-140 are prompting many companies to re-evaluate whether and how they engage in telemarketing activities involving Texas residents. With new obligations around text messaging, expanded enforcement risk, and ambiguous exemptions, the Texas Mini-TCPA introduces unique compliance challenges. Now is the time to reassess outreach practices, confirm registration status and ensure policies are up to date. We stand ready to help businesses understand their risks and obligations under this unique law.

[1] See our July 29, 2025 Update: Federal Court Finds Text Messages Not Subject to TCPA’s DNC Requirements.