



Business Voice and Text Recommendations & Best Practices

By smrtStudio Global, Inc - the makers of smrtPhone and smrtDialer

We compiled a checklist of important steps and best practices to take as a business that engages in calling and texting. This is meant to help you stay compliant, but we must first make clear the following:

As per smrtPhone's Terms and Conditions, customers are solely responsible for complying with all applicable laws in connection with their use of our services. These best practices do not constitute legal advice, and smrtStudio Global makes no representations or warranties regarding the same. Adherence to these guidelines does not guarantee compliance with applicable laws and/or industry standards, which vary across jurisdictions and regularly change. Should customers have questions regarding their compliance with applicable laws and regulations, including, but not limited to FCC and FTC regulations, they should seek the advice of independent legal counsel.

smrtPhone Cloud Phone System

To Do		Details
<input type="checkbox"/>	Create a Trust Center Business Profile	Use smrtPhone's Trust Center to register your company and get a vetted business profile. Registering also provides access to verification products for voice and text, such as STIR/SHAKEN, CNAM, and A2P 10DLC.
<input type="checkbox"/>	Enable STIR/SHAKEN	STIR/SHAKEN is a security protocol that verifies a Caller ID displayed is, in fact, the number that is originating the phone call. When the Caller ID cannot be verified, the receiving carrier will either mark the call as "Scam Likely" or not complete the call at all. This is an FCC mandate for certified Caller ID, but if you create a Trust Center Business Profile, STIR/SHAKEN is automatically enabled with no extra steps.
<input type="checkbox"/>	Create an A2P 10DLC Profile	If you send any text messages (conversational, marketing, or otherwise), you must register for A2P 10DLC. This process will minimize the risk of your text messages being blocked by carriers and provides a Trust Score for your brand that determines the quantity of texts you are able to send.

To Do		Details
<input type="checkbox"/>	Create A2P 10DLC Campaigns	Create A2P 10DLC campaigns that align with your intended business use for texting. Be sure to properly complete your Campaign details and ensure information matches your Business Profile.
<input type="checkbox"/>	Register Phone Numbers with 3rd Party Directories	Register any new phone numbers with the FCC. Free Caller Registry and First Orion are both free and cover analytics providers that support the largest mobile carriers in the U.S.
<input type="checkbox"/>	Enable 2-Factor Authentication	2FA is a security measure that keeps your Account, and the entire smrtPhone ecosystem, more secure. Stronger than a single password, 2FA adds a second layer of protection against fraud and phishing attempts. 2FA can be used with an Authenticator App or via phone number verification.
<input type="checkbox"/>	Maintain DNC List	It's vital you maintain a Do Not Call (DNC) list and adhere to all applicable laws and regulations regarding DNC lists. Any person who requests to have their number added to your DNC list should immediately be added. The request can come in any form: verbal, text, email, written, or using the DNC Applet inside of a Call Flow.
<input type="checkbox"/>	Include Identity in Initial Text Message	In an initial text message, make sure you identify the name of who is sending the text, your official company name, and clear opt-out instructions. (Included in the SMS Footer feature)
<input type="checkbox"/>	30 Day Identity Refresh	Every month you should include the same information above (name of who is sending the text, your official company name and opt-out instructions) on your text messages to ensure recipients stay aware of who you are and how to opt-out. (Included in the SMS Footer feature)
<input type="checkbox"/>	Track Consent	Know when you need consent to text your contacts, and track how you received consent. You may be required to demonstrate proof of consent by the FCC or carriers
<input type="checkbox"/>	Track your EBR	Understand the limits and prepare to demonstrate your qualification for an Existing/Established Business Relationship ("EBR") under state and federal regulations.

smrtPhone Power smrtDialer

To Do		Details
<input type="checkbox"/>	Register for a SAN Number	If you plan on doing any cold calling across your organization (using any platform) you should register for a Subscription Account Number (SAN). Your SAN signifies you have agreed to abide by regulations regarding the Do Not Call registry.
<input type="checkbox"/>	Follow smrtDialer Recording Protocols	When power dialing, duplicate recordings cannot be used across users. Record multiple versions of your campaign recordings for each user, and vary them on each campaign.
<input type="checkbox"/>	DNC List Scrub	Scrub any list you are dialing against the national list DNC Registry at least every 30 days. People can add themselves to the list at any time, and it's up to you to adhere to the list when you call.
<input type="checkbox"/>	DNC Training	Train everyone in your business on how to add people to your DNC list.
<input type="checkbox"/>	Known Litigator Scrub	If you are buying any lists it is recommended that you scrub the list for known litigators (people who try to get violations so they can sue).
<input type="checkbox"/>	Dedicated smrtDialer Number Pool	Use a pool of phone numbers so that no one number is overused in a short period of time. smrtDialer will cycle through your numbers, which also helps ensure numbers get even use. On a large list, aim to have at least 5 numbers in your pool per area code.
<input type="checkbox"/>	Check List Quality and Affirm Consent	smrtPhone strongly cautions against buying lead lists and prohibits any communication without consent. If you do use lead lists, ensure they're high quality, have direct (not reassigned) consent, and do not include dead numbers. A high volume of calls to dead numbers is a massive red flag to carriers.



Do-Not-Call List Recommendations and Best Practices

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Internal Do Not Call List

Maintain and update your own Do Not Call list, specific to your organization. When a consumer asks to be put on your do not call list, you should honor that request immediately.

Interfering with Someone's Do Not Call Rights

If you ignore someone's request to be placed on your internal do not call list -- either by not putting it on or demanding a customer listen to a sales pitch -- you have violated their Do Not Call Rights. Any organization caught violating this provision will lose any benefit from the Telemarketing Sales Rule (TSR) safe harbor from erroneous violations and you may be subject to civil penalties.

National Do Not Call Registry Requirements

The DNC list comprises both landline and wireless numbers and has been open to telemarketers since September 2003. All telemarketers are required to check their lists against the National Do Not Call Registry at least every 30 days.

There is an assumption that because real estate agents are independent contractors the Do Not Call (DNC) and Telephone Consumer Protection Act (TCPA) regulations do not apply to them. This is not true.

Big businesses are often seen in the spotlight for being violators of these statutes and individuals may think that their actions will go unnoticed by Federal Trade Commission (FTC) and Federal Communications Commission (FCC) regulators—these assumptions are false. Compliance is mandatory for real estate agents and investors, and all businesses that communicate with consumers.

Calling Time Restrictions

Abide by state and [federal call time restrictions](#) that limit when you are permitted to contact residential consumers. For example, you may be permitted to call residential customers only between 8:00 AM and 9:00 PM (recipient's time zone).

There are also [state restricted Do Not Call days](#), depending on where you are conducting business.

Robocalls

The TCPA restricts the use of an artificial or prerecorded voice and automated phone equipment to be used to call a residential landline or wireless number for marketing purposes. Understand these restrictions and when you need explicit customer consent prior to calling or texting a consumer.

What is the penalty for violating the TCPA?

TCPA violations can result in penalties of up to \$500 per violation, with willful violations tripled up to \$1,500 per violation. There is no cap on statutory damages so thousands of violations can result in millions of dollars in penalties.

Are EBR calls exempt from DNC regulations?

Understand the limits of state and federal Established/Existing Business Relationship (EBR) exemptions from Do Not Call regulations. Generally speaking, the exemptions are limited in time and only apply to the organization that established the relationship.

More Calls.

More Texts.

More Deals.