The FTC's Crackdown and Your Robocall Claims: What You Need to Know

Why Robocalls Keep Getting Through

If you have a phone number, you have almost certainly been interrupted by a recorded message selling something you never asked about. Despite the National Do Not Call Registry and years of enforcement actions, robocalls remain the top consumer complaint to the Federal Communications Commission. The numbers are staggering: billions of robocalls each year, many of them illegal because they lack prior consent. But the law is on your side, and there is a process for fighting back. Understanding your Robocall Claims means knowing what counts as a violation, who is liable, and how to document the call properly.

Illegal robocalls fall into a few main categories. Some are outright scams, like the fake IRS warnings or the "free cruise" offers that turn into credit card charges. Others come from legitimate businesses that simply ignore the Do Not Call rules. And a surprising number come from political campaigns and charities, which are often exempt from the Telephone Consumer Protection Act (TCPA). The trick is to separate the calls you consented to receive from the ones that were made without your permission.

What Makes a Robocall Illegal?

Under the TCPA, a company cannot use an automatic telephone dialing system or an artificial or prerecorded voice to call a cell phone without the called party's prior express consent. For landlines, the rules are slightly different, but the core idea is the same: you must have agreed to receive the call. If a business calls you using a predictive dialer or a recorded message and you have not given them your number, that call is likely a violation.

There are also rules about the time of day. Calls cannot be made before 8 a.m. or after 9 p.m. in the recipient's time zone. And if you ask to be placed on the company's internal do-not-call list, they must honor that request. Each violation can carry a penalty of $500 to $1,500, and if the company acted willfully or knowingly, the court can triple that amount. That is where your Robocall Claims become more than just a nuisance, they become a potential source of compensation.

Common Defenses and Why They Often Fail

When you file a claim, the company will typically say one of three things. First, they might argue that you gave prior consent, maybe by filling out a form online or by providing your number in a transaction. Second, they might claim the call was not made with an automatic dialing system,

that a human actually dialed your number. Third, they might argue that the call was purely informational or for emergency purposes, which are exempt under the TCPA.

But these defenses often break down under scrutiny. Many companies use software that qualifies as an automatic telephone dialing system even if they argue otherwise. And consent must be clear and specific. If a real estate agent gives your number to a home warranty company without your permission, that is not consent. The burden of proof largely falls on the defendant to show that you agreed. If they cannot produce a signed form or a recording of you giving permission, your claim is much stronger.

How to Build a Strong Case

Start with the details. The single most important piece of evidence is the date and time of the call. Write it down immediately. Next, note the phone number that showed on your caller ID, even if it looked spoofed. Record the message if you can, but be aware of state laws about recording calls. Most states allow you to record a conversation if you are a party to it, but a few require two-party consent. If you are unsure, stick to written notes.

Also check your phone logs. Many carriers now offer free or low-cost robocall blocking tools, and those tools often keep a log of blocked and received calls. That log can serve as a timestamped record. Save any voicemails as audio files. And if the caller left a callback number, do not call it, that number is often part of the scam or the marketing campaign, and calling it may inadvertently give consent for future calls.

The Role of the FTC and Private Lawsuits

The Federal Trade Commission and the FCC both enforce the TCPA, but they cannot handle every individual complaint. The FTC uses complaints to build cases against repeat offenders and to issue fines. For single violations, your best route is often a private lawsuit. You can sue in small claims court or in federal court, and you do not need a lawyer to start. Many consumers win awards of several hundred to several thousand dollars per call.

One important distinction: if you are considering a class action, be aware that the TCPA allows class actions, but the damages can be lower per person because the total award is divided among many plaintiffs. For a single violation or a short series of calls, an individual lawsuit can be more rewarding. That said, class actions are useful when a company has made thousands of illegal calls to different people.

Robocall Claims and the Statute of Limitations

You cannot wait forever. The TCPA has a four-year statute of limitations from the date of the call. That might seem like plenty of time, but evidence gets stale. Phone records get deleted.

Companies go out of business. The sooner you act, the better your chances. If you have a stack of robocalls from six months ago, now is the time to sort through them and decide which ones are worth pursuing.

One practical tip: keep a dedicated notebook or a note on your phone labeled "Robocall Claims." Every time you get an unwanted call, add an entry. Over a few months, you might build a list of five or ten calls. That list becomes the foundation of your case. You can then look up each company, see if they have been sued before, and decide whether to file a complaint with the FTC or sue directly.

When the Caller Is Unreachable

A common frustration is that the caller ID is spoofed. The number on your screen often belongs to an innocent person whose line has been hijacked. In those cases, you cannot sue the owner of that number. But you can sometimes trace the call through your phone carrier. The FCC has rules requiring carriers to implement STIR/SHAKEN, a technology that authenticates caller ID information. If the call was not authenticated, your carrier may be able to identify the originating carrier. You can then send a demand letter to that carrier, who may be required to block future calls from that source or to provide the actual caller’s identity.

This is not a quick process, but it is getting easier. Several consumer advocacy groups have filed complaints against carriers that knowingly route illegal robocalls. And some carriers now offer tools that let you report spoofed numbers directly. The more people report, the more pressure builds on the industry to clean up its act.

Practical Steps You Can Take Right Now

- Register your number on the National Do Not Call Registry, even if you have done it before. It is free and lasts forever.
- Install a robocall blocking app on your smartphone. Many are free and use community reporting to flag known spam numbers.
- Check your phone bill for charges related to robocalls. Some scammers place calls that cost you money, like international premium numbers.
- If you receive a text message that appears to be from your bank or a government agency, do not click any links. Forward it to 7726 (SPAM) on most carriers.

These steps will not stop every robocall, but they will reduce the volume. And each blocked call is one less piece of evidence you need to sort through later.

Why Pursuing a Claim Matters Beyond Your Wallet

Every time someone wins a Robocall Claims lawsuit, it sends a message. Companies that rely on aggressive telemarketing pay attention to court dockets. A single $1,500 judgment against a small marketing firm can put them out of business. A class action against a large company can cost them millions. That financial pressure is the main reason the number of illegal robocalls has dropped in recent years. It is not because the FCC got tougher, it is because consumers started fighting back.

You do not have to be a lawyer to make a difference. You just need to document, report, and if the call was illegal, file a claim. The law is written to give individuals a direct cause of action precisely because the government cannot police every phone line. By exercising that right, you help create a cleaner communications environment for everyone.