



Texas SB 140 Compliance Checklist & Quick Reference Table

1. Determine if You Must Register

- **Are you a registered financial firm or a licensed insurance agency (including call centers with licensed agents operating as an agency) under the Texas Insurance Code?**
 - If yes → you are likely exempt from registration.
 - **Does your registered financial firm or licensed agency own a telemarketing company that is not registered or licensed but is soliciting in Texas?**
 - If no → you are exempt.
 - If yes → if the telemarketing company acts exclusively for your firm/agency and/or other firms licensed in Texas, you remain exempt. Otherwise, the telemarketing company may need to register.
 - **Are you using third-party marketers, call centers, or lead generators to solicit in Texas?**
 - If yes → confirm whether those vendors are licensed, exempt, or registered with the Texas Secretary of State.
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2. Compliance Obligations (Apply to All Entities)

- Honor the **National Do-Not-Call (DNC) Registry**.
 - Honor the **Texas DNC List**.
 - Honor your **internal DNC list**.
 - Maintain internal opt-out requests for **5 years**.
 - Add new names within **30 days** of request.
 - Train staff and vendors on disclosure and opt-out rules.
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3. Telemarketing Vendor Oversight

- Require all telemarketing vendors/partners to certify compliance with SB 140.
 - Verify whether each telemarketing vendor is:
 - Licensed under the Texas Insurance Code (exempt), or
 - Registered with the Texas Secretary of State.
 - Include indemnification and compliance clauses in vendor contracts.
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4. Risk Management

- Monitor enforcement developments.
 - Violations may result in lawsuits under the Texas Deceptive Trade Practices Act (DTPA) with treble damages, mental anguish claims, and attorney's fees.
- Maintain compliance documentation in case of challenges.
- Respect time-of-day restrictions: **9 AM – 9 PM Monday–Saturday; Noon – 9 PM Sunday.**
- Begin all calls/texts with **your name, company name, and purpose.**
- Scrub call/text lists regularly against National, Texas, and internal DNC lists.

Quick Reference Table

Topic	Do	Don't
Registration	Register with SOS if required; update quarterly. Agencies licensed in TX are exempt.	Assume only phone calls are regulated.
Scope of Solicitation	Include voice, SMS, MMS, and graphic messages in compliance.	Exclude SMS/MMS from compliance.
Time Restrictions	Respect 9 AM–9 PM Mon–Sat; Noon–9 PM Sun.	Call outside these hours.
Disclosures	State your identity and purpose immediately.	Begin outreach without disclosures.
Do-Not-Call Compliance	Scrub against National, Texas, and internal lists. Honor opt-outs for 5 years.	Ignore DNC requests.
Exemptions	Verify if your agency/vendor qualifies (licensed, current client, nonprofit).	Assume all solicitations are exempt.
Consumer Rights	Prepare for potential DTPA lawsuits; ensure compliance.	Underestimate litigation and financial risks.