

# SMS Compliance: Texas Amendments



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*This post has been updated with the most up-to-date information and legal recommendations as of September 16, 2025.*

We know recent legal changes in Texas may be raising questions for your business. The Texas mini-TCPA was recently amended to apply to text messages. At Attentive, we're committed to helping you navigate this evolving landscape with confidence.

Compliance is a top priority for us. We provide clear, actionable guidance that supports your ability to stay aligned with both state and federal regulations—while minimizing risk to your business.

Effective September 1, 2025, Texas SB 140 amended existing Texas law to apply to text messages. The primary change is that Texas has re-defined “telephone solicitation” to include text message marketing. Businesses sending these types of messages from Texas or to Texas subscribers must now comply with state registration requirements (Texas Business & Commerce Code [Ch. 302](#)), which had previously only applied to businesses making voice calls. Text messages may now also be subject to other requirements, such as quiet hours restrictions.

While the Texas law leaves room for interpretation, most leading providers are in alignment with our own views on the core approach—**and we believe our recommendations represent the right path forward.**

Attentive isn't just another platform making these recommendations on this matter. With a seat on the board of directors of the CTIA—where industry policy is shaped—we have an insider's perspective and influence on these exact issues.

Our legal team has developed what we consider the most responsible interpretation of this law, one that prioritizes both consumer protection and brand reputation.

## What our legal team has recommended:

- **Consult your legal counsel** to assess whether the registration requirement actually applies to you. There are many exemptions to the registration, but their application to your company will depend on company-specific factors that you and your counsel are in the best position to know.
- **Out of an abundance of caution, register with the state** if you are unsure whether to register. The Texas legislature has stated that the law will be “construed liberally.” We anticipate that most businesses will pay no more than \$1,500 to register.
- **Update your Quiet Hours settings** to 8PM to 12PM ET.
  - Monday - Saturday, send campaign messages between 12 PM ET - 8PM ET.
  - On Sundays, send campaign messages only between 2 PM ET - 8PM ET.
  - While Texas Quiet Hours restrictions don't apply if the message is sent in direct response to a consumer's request, or the sender already has an “existing business relationship” with the subscriber, we recommend thoughtful use of Quiet Hour settings.



- **Keep running business as usual.** Keep engaging your Texas subscribers. By updating Quiet Hours and addressing registration requirements, you can minimize disruption while protecting revenue.
- **Coming soon:** Our team is developing new **daily Quiet Hours functionality** to make compliance easier and help reduce potential revenue impact.

For those companies that are not required to register at all under the law, this approach provides you with assurances that you have **thoughtfully considered the requirements** and potential risks. And, for companies who determine that registration is required, registration allows you to operate your SMS program and maximize revenue without rolling the dice with your compliance.

### Why we don't recommend the "wait and see" approach

We're aware of recommendations suggesting companies **not register** with Texas while waiting for a legal challenge to the law to make its way through the courts. Litigation in federal court routinely takes months, if not years, to resolve – and there is never a guarantee of a favorable result. For example, a 2022 challenge to Florida's text messaging law was overwhelmingly unsuccessful. Unfortunately, ignoring legal requirements opens you up to immediate and significant monetary and business risk:

- **The threat of lawsuits and state enforcement is immediate.** Putting off compliance with the law in a "wait-and-see" approach poses real risk of legal fees and/or penalties in the meantime.
- **Consumers can file class actions and multiple lawsuits for violations.** Consumers are permitted to file class-action lawsuits (on behalf of other similarly-situated consumers) for alleged violations of the law – including a failure to register. Consumers are also permitted to file a separate lawsuit for each violation if a company continues to violate the law. Regardless of whether such lawsuits have merit, pending litigation can impact your company reputation.
- **Cost of litigation can be high.** Consumers can seek actual damages and recover their attorneys' fees. For violations of the registration requirement, consumers can seek up to three times those damages for intentional or knowing violations. In addition to any damages, defending any litigation can be costly.
- **Litigation is not the only risk – the State can seek thousands in penalties and criminal prosecution.** Beyond civil litigation, Texas can seek civil penalties of up to \$5,000 per violation of the registration requirements (and \$25,000 per violation of any related injunction), and up to \$10,000 per violation of other messaging requirements.

Attentive supports consistent and predictable federal regulation of our industry. From our seat on the board of directors of the CTIA, the industry group that represents mobile messaging, we forcefully oppose the everchanging patchwork of state laws. In partnership with the CTIA, we believe one standard federal set of rules is better for the industry, our customers, and subscribers. We are also practical and want to be honest with our clients: legal change does not happen overnight. Given this reality, we do not believe the responsible approach is to ignore legal requirements.

Please contact your Attentive CSM or White Glove if you have any questions. You can also visit our Help Center for additional information on how to configure Attentive's recommended settings.

Attentive will continue to monitor developments in Texas law, update its recommendations as new information becomes available, and explore other ways to support its clients' ability to comply with the law.

*The materials available in this post are for informational purposes only and not for the purpose of providing legal advice. You should contact your attorney to obtain advice with respect to any particular issue or problem.*

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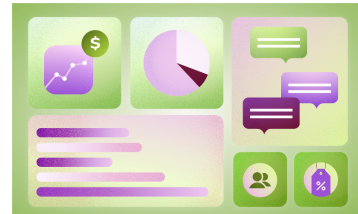
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