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TCPA And VoIP: Revisiting The 4th Circ.'s Ruling In Monarch

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In its short, unpublished opinion in Lynn v. Monarch Recovery Management Inc., the United States Court of Appeals for the Fourth Circuit stated that the “call-charged provision” of the Telephone Consumer Protection Act applied to debt collection calls made to a residential Voice over Internet Protocol-based line. The plaintiffs bar responded by suggesting that the TCPA applies differently to so-called “VoIP calls,” and telemarketing vendors responded by marketing services that scrub all numbers assigned to VoIP carriers — a move that, given VoIP's increasing popularity, could end up eliminating a substantial percentage of residential numbers. However, a more objective analysis of the opinion and the issues suggests that these reactions may be overstated, if not altogether misplaced.

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