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Seventh Circuit Holds Texts Not 'Telephone Calls' Under Key TCPA Provision

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On July 14, 2026, the US Court of Appeals for the Seventh Circuit decided *Steidinger v. Blackstone Medical Services*, holding that text messages "do not fall within the private right of action created by § 227(c)(5)," an important and heavily litigated provision of the federal Telephone Consumer Protection Act (TCPA).[1] Section 227(c)(5) creates a private right of action for individuals "who ha[ve] received more than one telephone call within any 12-month period by or on behalf of the same entity in violation of the regulations prescribed under [§ 227(c)]."[2] Those regulations include the Federal Communication Commission's rules establishing the National Do-Not-Call Registry and requiring entities to maintain internal do-not-call lists.[3]

The *Steidinger* complaint alleged that class members received marketing texts from Blackstone Medical Services urging them to purchase home sleep tests. The plaintiffs claimed to have received these messages even after indicating they did not want to be contacted, including by replying "STOP" or registering on the National Do-Not-Call Registry.

The appeal turned on a single issue: whether texts are "telephone calls" within the meaning of § 227(c)(5). Beginning with the statutory text and applying the ordinary meaning of the term at the time of the TCPA's 1991 enactment, the court observed that a "telephone" was then defined as an instrument for reproducing **sounds** at a distance, and a "call" meant communicating with someone by telephone. Because text messages do not reproduce sounds, the court concluded, they do not qualify as a "telephone call." It further reasoned that the surrounding provisions of § 227(c) – which consistently use the broader term "telephone **solicitation**" when referring to communications that include non-voice messages – reinforce this reading. That is, the court presumed Congress used the narrower term "call" in § 227(c)(5) deliberately, given the alternative of "solicitation." The Seventh Circuit affirmed the district court's dismissal.

Why this ruling matters

The TCPA is a heavily litigated statute. It provides for statutory damages of $500 to $1,500 per violation, so even modest-sized class actions can present millions of dollars in exposure. Defendants frequently face pressure to settle even meritless cases due to the litigation costs and substantial damages potential.

Steidinger meaningfully changes the calculus. Because § 227(c)(5) is now confined to voice calls in the Seventh Circuit, text-based suits brought under this specific TCPA provision will no longer be viable in Illinois, Indiana and Wisconsin. For companies facing class action exposure under § 227(c)(5), this ruling eliminates a significant category of federal claims. The decision is also powerful persuasive authority for litigants in courts outside the Seventh Circuit. However, as discussed below, companies that communicate with customers via text remain subject to other TCPA provisions and to state telemarketing laws – including laws in the Seventh Circuit states that expressly apply their do-not-call rules to text messages.

Caveats

Several limitations are noteworthy. First and most importantly, *Steidinger* is binding only in the Seventh Circuit. Companies operating nationally should not assume text-message TCPA exposure has been eliminated.

Second, other circuits have reached the opposite conclusion. For example, in *Howard v. Republican National Committee*, decided in January 2026, the Ninth Circuit held that texts *do* constitute "calls" within the meaning of the TCPA, relying on agency interpretations and statutory context.[4] The Seventh Circuit in *Steidinger* expressly acknowledged other circuits' contrary holdings, including those from the First, Second, Ninth (*Howard*) and Eleventh Circuits, but declined to follow them.

Third, *Steidinger* addressed only the private right of action under § 227(c)(5) for violations of the do-not-call rules. The decision did not reach the separate TCPA provisions that prohibit nonconsensual autodialed calls to cell phone numbers.[5] The FCC and many courts have interpreted those provisions to cover text messages, and that interpretation – while potentially vulnerable to challenge under the same textualist logic the Seventh Circuit applied in *Steidinger* – technically has not been disturbed. For the time being, § 227(b)'s autodialer rules remain a potential source of text-message litigation even in the Seventh Circuit. Companies should continue to maintain robust TCPA compliance programs addressing all applicable provisions of the statute.

Fourth, telemarketing laws in the Seventh Circuit states independently regulate text messages. For example, Indiana's Telephone Solicitation of Consumers Act expressly defines "telephone sales call" to include the transmission of text messages via SMS and multimedia messages via MMS.[6] Wisconsin's telephone solicitation statute similarly defines "telephone solicitation" to include "the unsolicited initiation of a telephone conversation or text message" for commercial purposes,[7] and the implementing regulations (ATCP 127.80(12)) separately define "text message" to include SMS and similar electronic communications. Both states prohibit solicitation texts to numbers on their state do-not-call registries. These state-law obligations operate independently of the federal TCPA, and *Steidinger* does not affect them.

What's next?

Steidinger is powerful new authority for companies that use text messages to communicate with their customers. Looking ahead, this question may be a candidate for US Supreme Court review, given the growing split among circuit courts considering this issue. In the meantime, companies should not treat this ruling as blanket protection for their text messaging programs and should continue to carefully evaluate their compliance obligations under federal and state law.

Notes

1. __ F.4th __, 2026 WL 2028517, at *5 (7th Cir. July 14, 2026).
2. 47 USC § 227(c)(5).
3. See 47 CFR § 64.1200(c)-(d).
4. 164 F.4th 1119, 1123–25 (9th Cir. 2026).
5. See 47 USC § 227(b)(1)(A)(iii).
6. Ind. Code § 24-4.7-2-9(b).
7. Wis. Stat. § 100.52(1)(i).

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