



COMPLIANCE-FIRST CRM FOR INDEPENDENT LIFE INSURANCE AGENTS

A FREE EVIDENCE MANUAL FOR LIFE INSURANCE AGENTS

The Lead Consent Reckoning

What's actually true about lead consent, why the lawsuits are accelerating, and the seven things agents still get wrong.

Originally built for 8% Nation — Plano, TX — July 2026 | Updated as the law changes

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+52.9% growth in life & health insurance TCPA lawsuits, 2024 → 2025 (CompliancePoint)

\$14,000,000 settlement paid by American Income Life for Do-Not-Call violations tied to “free” lead offers

28% of all TCPA lawsuits nationally now trace back to insurance leads (WebRecon)

1 the number of calls it took for an agent to get personally named in a class action (Matthews v. SLIC, 2025)

WHY THIS MATTERS AT 8% NATION

8% Nation was built around one number: 92% of agents fail in their first three years. Most of that is sales discipline, follow-up, and mindset — the stuff this room is here to fix.

But a newer failure mode is showing up in the data, and it doesn't care how good you are on the phone. It's agents and agencies getting served with a class action over calls they thought were fine — because the lead was “compliant,” because the vendor said so, because nobody checked.

This isn't a legal seminar. It's the numbers, three real cases, and the seven things agents in rooms exactly like this one still get wrong about lead consent — so you can walk out knowing where your actual exposure is.

THE GROWING PROBLEM, BY THE NUMBERS

TCPA litigation — the Telephone Consumer Protection Act, the federal law behind most “you called me without consent” lawsuits — has been climbing for three straight years. Insurance is climbing faster than almost anything else in it.

- Insurance TCPA lawsuits: 140 cases in 2024 → 214 cases in 2025, a 52.9% jump in one year — the fastest-growing major category tracked. (CompliancePoint, TCPA Litigation Trends 2025)
- Insurance leads now generate roughly 28% of all TCPA lawsuits filed nationally — more than any other industry, including debt collection. (WebRecon, via Claim Supply)
- TCPA class actions were up 112% year-over-year in Q1 2025 alone (507 filed vs. 239 in Q1 2024), and a single month — September 2025 — saw 224 class actions filed, up 283% from the year before. (ActiveProspect; TCPAWorld)
- Roughly 3 out of every 4 TCPA lawsuits are filed as class actions — compared to under 5% for other consumer-protection statutes like the FDCPA. That's what makes TCPA different: it's built for scale. (National Law Review, 2025 data)
- Statutory damages run \$500 per violation, tripled to \$1,500 for willful violations — and there's no cap on the total. One bad list of a few thousand numbers is a seven-figure exposure on paper before a single call is proven “willful.”
- Serial plaintiffs — people who've filed TCPA suits before — made up 24.7% of plaintiffs in 2025 but accounted for 54.0% of all cases filed. This is a professionalized part of the plaintiffs' bar, not a random angry consumer. (CompliancePoint)
- 11.1% of TCPA defendants in 2025 got sued more than once. Getting hit once doesn't make you safer going forward — it puts you on file with the firms that specialize in this. (CompliancePoint)
- Defendants who can produce documented, specific consent — timestamped, named, retained — win dismissal or summary judgment roughly 73% of the time. The agents who lose usually aren't the ones who did something malicious. They're the ones who can't produce paperwork. (ActiveProspect)

And insurance/healthcare marketing ranked #2 in FCC robocall complaint volume in 2025 — second only to the categories regulators watch most closely.

THREE CASES THAT SHOULD GET YOUR ATTENTION

1. American Income Life — \$14,000,000

AIL agreed to a \$14M settlement covering 49,695 unique phone numbers that were on the National Do-Not-Call Registry and got called more than once between 2019 and 2024. The pretext was a “free will kit” offer — courts have

been willing to treat a “free” hook as a sales solicitation anyway. Consent to be contacted, if it existed at all, didn't matter once the DNC registration was in place. (Top Class Actions; Henson Legal)

2. Matthews v. Senior Life Insurance Co. — personal liability

A plaintiff's firm named the agency's field agent, personally, over a single warm-transferred call. The court refused to dismiss the claim against him. “I just took the transfer” was not a defense — his active insurance license tied him to the call. This is the case that kills the “my agency eats the lawsuit, not me” assumption. (2025 WL 1899984, E.D. Va.)

3. Health Insurance Associates / Leads Mogul — vendor liability flows uphill

Health Insurance Associates got sued because a telemarketing vendor it used — Leads Mogul — called people on the DNC registry and forwarded the calls in. The agency never dialed a number itself and still ended up as the named defendant in a certified class action. (Lomas and Taylor v. Health Insurance Associates, LLC, No. 6:22-cv-679)

A fourth data point worth knowing: one lead-generation operator faced a demand letter alleging 47,000 violations — \$70.5M in potential exposure — against a company doing \$12M a year in revenue. The math on TCPA doesn't scale with your business size. It scales with your call volume. (Lead Gen Economy)

WHAT'S ACTUALLY BROKEN WITH LEAD CONSENT

The one-to-one consent rollercoaster (2023–2026)

In 2023 the FCC tried to require “one-to-one” consent — meaning a lead-gen site could no longer collect one checkbox and sell that same “consent” to a dozen buyers. It was set to take effect January 27, 2025.

On January 24, 2025 — three days before it kicked in — the 11th Circuit vacated the rule entirely in Insurance Marketing Coalition v. FCC, ruling the FCC had overstepped its authority. The FCC formally deleted it from the books by late summer 2025.

Here's the part that matters for this room: the vacatur is being read industry-wide as “shared leads are fine again.” That's the misconception, not the fact. The federal floor reverted to the older, looser “prior express written consent” standard — it did not legalize vague or generic consent, and it did nothing to state laws. Insurance TCPA case volume grew 52.9% in the same year the rule died. The plaintiffs' bar didn't go home — it just changed its argument from “no consent” to “insufficient consent” or “generalized consent to partners.”

Shared leads compound the exposure

A shared aggregator lead typically gets resold to 3–10 agents off one consent event. Every one of those calls is a separate potential violation, and every additional buyer is another chance someone — including a serial plaintiff — files. Close rates on shared leads run 1–5%; the legal exposure doesn't scale down to match.

Reassigned numbers nobody checks

The FCC's Reassigned Numbers Database now tracks over 554 million disconnected numbers and adds roughly 8.9 million a month. Consent tied to a number is worthless once that number moves to someone new — and the “safe harbor” for checking is narrow: one query, one call, and only if the database wrongly said “no.” Most independent agents have never queried it.

DNC doesn't care what the lead form said

The AIL case is the clearest proof: Do-Not-Call registration operates independently of consent. A consumer can technically “consent” to marketing contact on a form and still be enforceably on the DNC list — calling them anyway is still a violation, regardless of what the lead vendor told you.

The state layer nobody mentions

Florida (FTSA), Oklahoma, Washington, and Maryland all layer additional telemarketing restrictions on top of the federal TCPA — some stricter than what the 11th Circuit just vacated federally. Maine now legally requires querying the Reassigned Numbers Database before calling. If you write business across state lines, “federal compliant” is not the same thing as compliant.

SEVEN MYTHS AGENTS IN THIS ROOM STILL BELIEVE

#	THE MYTH	THE REALITY
1	“My lead vendor's consent covers me.”	You remain responsible for the leads you call, no matter who sourced them. Health Insurance Associates was sued over calls made by its vendor, Leads Mogul — and lost that argument at the class-certification stage.
2	“The one-to-one rule got struck down, so shared leads are safe now.”	The federal floor reverted to the older standard — it didn't bless vague consent. Insurance TCPA filings grew 52.9% the same year the rule died. Plaintiffs' firms now argue “insufficient” or “generalized” consent instead of “no consent.” Same outcome, different word.
3	“I'm just the agent — my agency or IMO is the one that gets sued.”	Matthews v. Senior Life Insurance Co.: an agent was personally named over one warm-transferred call. His license was enough to keep him in the suit.
4	“Someone filled out a form, so that's consent to call them.”	Consent quality varies enormously. “I agree to be contacted by our partners” with no business name, no timestamp, and no retained disclosure is the exact language plaintiffs' firms are built to challenge.
5	“I checked the Do-Not-Call list once — I'm covered.”	DNC status and reassigned-number status both change continuously. The Reassigned Numbers Database adds ~8.9M newly disconnected numbers every month. A one-time check has an expiration date, even if nobody told you.
6	“Texting instead of calling gets around the rules.”	Courts are actively split on whether texts trigger the DNC provisions the same way calls do — it is not settled law. Betting a book of business on an open circuit split isn't a compliance strategy, and it does nothing about consent or autodialer rules either way.

#	THE MYTH	THE REALITY
7	"My E&O insurance covers this if I get sued."	Usually not. Standard errors & omissions policies typically exclude TCPA and telemarketing claims outright. Specialized TCPA coverage exists, but it has to be purchased on purpose — most agents have never checked whether they have it.

WHAT ACTUAL COMPLIANCE LOOKS LIKE

Not theory — the checklist a lead has to clear before it's safe to dial:

- Consent names your specific business — not "our marketing partners" — is timestamped, and the exact disclosure language is retained, not just a checkbox result.
- Every number is scrubbed against the Federal DNC registry and the relevant State DNC registry before the first dial.
- Every number is queried against the Reassigned Numbers Database, with the query date and response saved as your safe-harbor record.
- Every number is screened against known serial-plaintiff / TCPA litigator lists — not because it's illegal to call them, but because they're the ones most likely to turn a technical miss into a filed suit.
- Revocation requests (STOP, "remove me," a verbal opt-out) are logged and honored within 10 business days — the current FCC standard.
- Records are retained long enough to matter if you're ever asked to prove any of the above — treat it like your E&O carrier is going to ask, because eventually they will.

Note on what's changing: the FCC delayed its stricter "revocation-all" requirement — where one opt-out could count across every channel and purpose — from April 2026 to January 31, 2027. It's coming. Build the habit now.

THE FOUR-LAYER CHECK

This is the system I built book'd around, because running all five checks above by hand, lead by lead, isn't a realistic ask for a solo agent working a live pipeline between calls.

LAYER	WHAT IT CATCHES
Federal DNC	The National Do-Not-Call Registry — checked regardless of what the lead's consent form claims.
State DNC	State-level registries and mini-TCPA overlays (FTSA and similar) that go further than federal law.
Reassigned Numbers Database	Whether the number still belongs to the person who gave consent — queried and logged before the first dial.
TCPA Litigator List	Known serial plaintiffs and professional filers — the ~25% of plaintiffs responsible for over half of all TCPA cases filed.

LAYER	WHAT IT CATCHES
Consent specificity check	Whether the consent on file actually names your business, is timestamped, and holds up as “prior express written consent” — not just a checkbox.

The point isn't the software. It's that “I bought the lead, so I'm covered” has never been true, and the agents who build a real check into their process are the ones who won't be the next case study in this section next year.

CONVERSATION STARTERS FOR THIS WEEK

Questions worth asking the agents and IMOs you talk to on the floor — they open the compliance conversation without sounding like a compliance lecture:

- “Does your lead vendor's consent language actually name your agency, or does it say ‘partners?’”
- “If a lead you bought turned into a lawsuit tomorrow, is that your agency's problem or yours, personally?”
- “How many other agents got that same lead before you did?”
- “When's the last time anyone checked a number against the Reassigned Numbers Database before you called it?”
- “If someone texted STOP to your agency last month, do you know if it was actually logged?”

THE 10-MINUTE SELF-AUDIT

No software, no vendor call — just six questions. Answer them honestly before you leave this page.

- Can you name your top 3 lead vendors and describe, in one sentence each, exactly how they collect consent?
- Do you have the actual consent language from your last 50 leads on file — not just a “yes” in a spreadsheet column?
- When did you last query a phone number against the Reassigned Numbers Database before calling it?
- Do you know, right now, whether your E&O policy excludes or covers TCPA claims?
- If a lead you're about to call has already been called by 4 other agents this week, would you know?
- Could you produce a log of every STOP or opt-out request from the last 90 days and prove each one was honored within 10 business days?

Two or more “no” or “not sure” answers means you have exposure sitting in your pipeline right now that you didn't know about five minutes ago.

QUESTIONS AGENTS ASK US

“Isn't a bad lead my vendor's problem, not mine?”

Not legally. Health Insurance Associates got sued and stayed in the case over calls its vendor made — the agency never dialed a number itself. Vendor liability flows uphill to whoever's name is on the business.

“I've done this for years without a problem.”

Insurance TCPA filings grew 52.9% in the last year alone. A clean track record up to now measures the plaintiffs' bar's attention, not your actual exposure — and their attention on insurance is growing faster than almost any other industry.

“Can't I just buy insurance for this?”

Check first. Most standard E&O policies exclude TCPA and telemarketing claims by default. If you've never specifically asked your carrier about it, assume you're not covered until you confirm otherwise.

“Do I have to stop buying shared leads?”

No — but a shared lead needs the same documentation a self-generated lead needs. Cheap leads with no consent record aren't a cost-saving move. They're a bet, and the odds have been getting worse for three years running.

BUILT THIS BECAUSE I GOT TIRED OF WATCHING AGENTS GET BLINDSIDED

I'm a licensed life insurance agent. I built book'd because I kept watching agents I respect get burned by leads they had no way of knowing were bad — not because they were careless, but because nobody handed them a system to check.

book'd is a compliance-first CRM built specifically for independent life insurance agents. Every lead runs through the four-layer check in this manual — Federal DNC, State DNC, Reassigned Numbers Database, and TCPA Litigator List, plus a consent-specificity check — automatically, before it ever reaches your dialer. You keep working your pipeline. The compliance layer runs underneath it, not on top of your to-do list.

If you want to see it, or just want a second opinion on a lead source you're not sure about, message me. I'd rather answer that question for free than watch you find out the hard way.

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