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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/13/2010	.	
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The Committee on Commerce (Gelber) recommended the following:

Senate Amendment (with title amendment)

Delete lines 501 - 576

and insert:

(1) In the course of any communication by a person with any individual other than a consumer for the purpose of acquiring location information about the consumer, the person must:

(a) Identify himself or herself, state that he or she is confirming or correcting location information concerning the consumer, and, only if expressly requested, identify his or her employer;

(b) Not state that such consumer owes any debt;

(c) Not communicate with such individual more than once



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14 unless requested to do so by such individual or unless the
15 person reasonably believes that the earlier response of such
16 individual is erroneous or incomplete and that such individual
17 now has correct or complete location information;

18 (d) Not communicate by post card; and

19 (e) Not use any language or symbol on any envelope or in
20 the contents of any communication effected by the mails or
21 telegram which indicates that the person is in the debt
22 collection business or that the communication relates to the
23 collection of a debt.

24 (2) Without the prior consent of the consumer given
25 directly to the person or pursuant to express court permission,
26 a person may not communicate with a consumer in connection with
27 the collection of any debt:

28 (a) At any unusual time or place or a time or place that is
29 known or should be known to be inconvenient to the consumer. In
30 the absence of knowledge to the contrary, a person shall assume
31 that the convenient time for communicating with a consumer is
32 after 8 a.m. and before 9 p.m. local time at the consumer's
33 location.

34 1. A person may presume that the time a telephone call is
35 received conforms to the local time zone assigned to the area
36 code of the number called, unless the person reasonably believes
37 that the consumer's telephone is located in a different time
38 zone.

39 2. If, such as with toll-free numbers, an area code is not
40 assigned to a specific geographic area, a person may presume
41 that the time a telephone call is received conforms to the local
42 time zone of the consumer's last known place of residence,



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43 unless the person reasonably believes that the consumer's
44 telephone is located in a different time zone;

45 (b) If the person knows the consumer is represented by an
46 attorney with respect to such debt and has knowledge of, or can
47 readily ascertain, such attorney's name and address; however,
48 the person may communicate with the consumer if the attorney
49 fails to respond within 30 days after receiving a written
50 communication from the person regarding the debt or the attorney
51 consents to direct communication with the consumer; or

52 (c) At the consumer's place of employment if the person
53 knows or has reason to know that the consumer's employer
54 prohibits the consumer from receiving such communication at his
55 or her place of employment.

56 (3) Except as provided in subsection (1), without the prior
57 consent of the consumer given directly to the person, pursuant
58 to express court permission, or as reasonably necessary to
59 effectuate a postjudgment judicial remedy, a person may not
60 communicate with any individual other than a consumer, his or
61 her attorney, a consumer reporting agency if otherwise permitted
62 by law, the creditor, the attorney of the creditor, or the
63 attorney of the debt collector in connection with the collection
64 of a debt.

65 (4) If a consumer notifies a person in writing that the
66 consumer refuses to pay a debt or that the consumer wishes the
67 person to cease further communication with the consumer, the
68 person may not communicate further with the consumer with
69 respect to such debt, except to:

70 (a) Advise the consumer that the person's further efforts
71 are being terminated;



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72 (b) Notify the consumer that the person or creditor may
73 invoke specified remedies that are ordinarily invoked by such
74 debt collector or creditor; or

75 (c) Notify the consumer that the person intends to invoke a
76 specified remedy, where applicable. If such notice from the
77 consumer is made by mail, notification is complete upon receipt.

78
79 ===== T I T L E A M E N D M E N T =====

80 And the title is amended as follows:

81 Delete line 34

82 and insert:

83 person may communicate with a consumer;