

HOUSE BILL No. 5997

September 12, 1990, Introduced by Rep. Profit and referred to the Committee on Consumers.

A bill to amend section 915 of Act No. 299 of the Public Acts of 1980, entitled "Occupational code," as amended by Act No. 83 of the Public Acts of 1981, being section 339.915 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 915 of Act No. 299 of the Public Acts of
2 1980, as amended by Act No. 83 of the Public Acts of 1981, being
3 section 339.915 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 915. A licensee shall not commit 1 or more of the fol-
6 lowing acts:

7 (a) Communicating with a debtor in a misleading or deceptive
8 manner, such as using the stationery of an attorney or the

1 stationery of a credit bureau unless it is disclosed that it is
2 the collection department of the credit bureau.

3 (b) Using forms or instruments which simulate the appearance
4 of judicial process.

5 (c) Using seals or printed forms of a government agency or
6 instrumentality.

7 (d) Using forms that may otherwise induce the belief that
8 they have judicial or official sanction.

9 (e) Making an inaccurate, misleading, untrue, or deceptive
10 statement or claim in a communication to collect a debt or con-
11 cealing or not revealing the purpose of a communication when it
12 is made in connection with collecting a debt.

13 (f) Misrepresenting in a communication with a debtor any of
14 the following:

15 (i) The legal status of a legal action being taken or
16 threatened.

17 (ii) The legal rights of the creditor or debtor.

18 (iii) That the nonpayment of a debt will result in the
19 debtor's arrest or imprisonment, or the seizure, garnishment,
20 attachment, or sale of the debtor's property.

21 (iv) That accounts have been turned over to innocent pur-
22 chasers for value.

23 (g) Communicating with a debtor without accurately disclos-
24 ing the caller's identity or cause expenses to the debtor for a
25 long distance telephone call, telegram, or other charge.

26 (h) Communicating with a debtor, except through billing
27 procedure, when the debtor is actively represented by an

1 attorney, the attorney's name and address are known, and the
2 attorney has been contacted in writing by the credit grantor or
3 the credit grantor's representative or agent, unless the attorney
4 representing the debtor fails to answer written communication or
5 fails to discuss the claim on its merits within 30 days after
6 receipt of the written communication.

7 (i) Communicating information relating to a debtor's indebt-
8 edness to ~~an~~ A DEBTOR'S employer or an employer's agent unless
9 the communication is specifically authorized in writing by the
10 debtor subsequent to the forwarding of the claim for collection,
11 the communication is in response to an inquiry initiated by the
12 debtor's employer or the employer's agent, or the communication
13 is for the purpose of acquiring location information about the
14 debtor.

15 (j) Using or employing, in connection with collection of a
16 claim, a person acting as a peace or law enforcement officer or
17 any other officer authorized to serve legal papers.

18 (k) Using or threatening to use physical violence in connec-
19 tion with collection of a claim.

20 (l) Publishing, causing to be published, or threatening to
21 publish lists of debtors, except for credit reporting purposes
22 when in response to a specific inquiry from a prospective credit
23 grantor about a debtor.

24 (m) Using a shame card, shame automobile, or otherwise bring
25 to public notice that the consumer is a debtor, except with
26 respect to a legal proceeding which is instituted.

1 (n) Using a harassing, oppressive, or abusive method to
2 collect a debt, including causing a telephone to ring or engaging
3 a person in telephone conversation repeatedly, continuously, or
4 at unusual times or places which are known to be inconvenient to
5 the debtor. All communications shall be made from 8 a.m. to 9
6 p.m. unless the debtor expressly agrees in writing to communica-
7 tions at another time. All telephone communications made from 9
8 p.m. to 8 a.m. shall be presumed to be made at an inconvenient
9 time in the absence of facts to the contrary.

10 (o) Using profane or obscene language.

11 (p) Using a method contrary to a postal law or regulation to
12 collect an account.

13 (q) Failing to implement a procedure designed to prevent a
14 violation by an employee.

15 (r) Communicating with a consumer regarding a debt by
16 postcard.

17 (S) REFERRING TO A NAME DIFFERENT FROM THE NAME OF AN ACTUAL
18 CREDITOR OR PRINCIPAL WHEN COMMUNICATING A CLAIM OR DEBT TO A
19 CONSUMER CREDIT REPORTING AGENCY AS DEFINED IN THE FAIR CREDIT
20 REPORTING ACT, TITLE VI OF PUBLIC LAW 90-321,
21 15 U.S.C. 1681-1681t.

22 Section 2. This amendatory act shall not take effect unless
23 Senate Bill No. _____ or House Bill No. 5996 (request
24 no. 05909'90) of the 85th Legislature is enacted into law.