

108TH CONGRESS
1ST SESSION

H. R. 3066

To amend the Fair Debt Collection Practices Act to make certain technical corrections, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 10, 2003

Mr. GARRETT of New Jersey (for himself, Mr. ANDREWS, Mrs. KELLY, Mr. MURPHY, Mr. BEREUTER, Mr. BOYD, Mr. RAMSTAD, Mr. MOORE, Mr. CARTER, Mr. MCCOTTER, Mr. FEENEY, Ms. GINNY BROWN-WAITE of Florida, Mr. HENSARLING, and Ms. HART) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To amend the Fair Debt Collection Practices Act to make certain technical corrections, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Clarifications to the
5 Fair Debt Collection Practices Act”.

1 **SEC. 2. ELIMINATING REQUIREMENT FOR THE “VALIDA-**
 2 **TION NOTICE” IN FORMAL PLEADINGS.**

3 Section 809 of the Fair Debt Collection Practices Act
 4 (15 U.S.C. 1692g) is amended by adding at the end the
 5 following new subsection:

6 “(d) FORMAL PLEADINGS EXCLUDED.—Communica-
 7 tions which are formal pleadings in a civil action shall not
 8 be considered communications for purposes of this title.”

9 **SEC. 3. CODIFICATION OF THE CONSUMER VALIDATION NO-**
 10 **TICE.**

11 Section 809 of the Fair Debt Collection Practices Act
 12 (15 U.S.C. 1692g) is amended—

13 (1) in the portion of subsection (a) that pre-
 14 cedes paragraph (1), by inserting “a written notice
 15 described in subsection (e) or” before “a written no-
 16 tice”; and

17 (2) by inserting after subsection (d) (as added
 18 by section 2 of this Act) the following new sub-
 19 section:

20 “(e) ALTERNATIVE VERSION OF NOTICE.—A notice
 21 is described in this subsection for purposes of subsection
 22 (a) if the notice contains—

23 “(1) the amount of the debt;

24 “(2) the name of the creditor to whom the debt
 25 is owed; and

1 “(3) a statement containing the following: ‘Un-
 2 less you notify this office within 30 days after re-
 3 ceiving this notice that you dispute the validity of
 4 this debt or any portion thereof, this office will as-
 5 sume this debt is valid. If you notify this office in
 6 writing within 30 days from receiving this notice
 7 that you dispute the validity of this debt or any por-
 8 tion thereof, this office will obtain verification of the
 9 debt or obtain a copy of a judgment and provide you
 10 with a copy of such judgment or verification. If you
 11 request of this office in writing within 30 days after
 12 receiving this notice this office will provide you with
 13 the name and address of the original creditor, if dif-
 14 ferent from the current creditor.’”.

15 **SEC. 4. CLARIFYING RIGHT TO COLLECT WITHIN THE**
 16 **FIRST 30 DAYS.**

17 Section 809(b) of the Fair Debt Collection Practices
 18 Act (15 U.S.C. 1692g(b)) is amended by striking “If the
 19 consumer” and inserting “Collection activities and com-
 20 munications may continue during the thirty-day period.
 21 However, if the consumer”.

22 **SEC. 5. CLARIFYING THE REFERENCE TO “ATTORNEY” AND**
 23 **“REASONABLE TIME”.**

24 The Fair Debt Collection Practices Act is amended—
 25 (1) in section 804(6) (15 U.S.C. 1692b(6))—

1 (A) by striking “an attorney” and insert-
 2 ing “an attorney at law”; and

3 (B) by striking “a reasonable period of
 4 time” and inserting “30 days”; and

5 (2) in section 805(a)(2) (15 U.S.C.
 6 1692c(a)(2))—

7 (A) by striking “an attorney” and insert-
 8 ing “an attorney at law”; and

9 (B) by striking “a reasonable period of
 10 time” and inserting “30 days”.

11 **SEC. 6. CEASING COMMUNICATIONS.**

12 Subsection (c) of section 805 of the Fair Debt Collec-
 13 tion Practices Act (15 U.S.C. 1692c(c)) is amended to
 14 read as follows:

15 “(c) CEASING COMMUNICATION.—

16 “(1) IN GENERAL.—If a consumer notifies a
 17 debt collector in writing that the consumer refuses
 18 to pay a debt or that the consumer wishes the debt
 19 collector to cease further communication with the
 20 consumer, the debt collector shall not communicate
 21 further with the consumer with respect to such debt,
 22 except for one additional communication which may
 23 be made by the debt collector for any of the fol-
 24 lowing purposes (however many may apply):

3 “(B) To notify the consumer that the debt
4 collector or creditor may invoke specified remedies which are ordinarily invoked by such debt
5 collector or creditor.

7 “(C) Where applicable, to notify the con-
8 sumer that the debt collector or creditor intends
9 to invoke a specified remedy.

10 “(2) EFFECTIVE DATE OF NOTICE.—If a notice
11 referred to in paragraph (1) from a consumer is
12 made by mail, notification shall be complete upon re-
13 ceipt.”.

Section 807(8) of the Fair Debt Collection Practices Act (15 U.S.C. Section 1692e(8)) is amended by striking “disputed debt” and inserting “debt which has been disputed by the consumer in writing”.

Section 809(a)(3) of the Fair Debt Collection Prac-
tices Act (15 U.S.C. 1692g(a)(3)) is amended by inserting
“in writing,” after “any portion thereof,”.

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