II

113TH CONGRESS
2D SESSION

S. 2328

To amend the Fair Debt Collection Practices Act to preclude law firms and licensed attorneys from the definition of a debt collector when taking certain actions, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 13, 2014

Mr. TOOMEY (for himself and Mr. WARNER) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To amend the Fair Debt Collection Practices Act to preclude law firms and licensed attorneys from the definition of a debt collector when taking certain actions, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ‘‘Fair Debt Collection Practices Technical Clarification Act of 2014’’.

SEC. 2. LEGAL PROCEEDING EXCEPTION.

(a) IN GENERAL.—Section 803(6) of the Fair Debt Collection Practices Act (15 U.S.C. 1692a(6)) is amended—

(1) by redesignating subparagraph (F) as subparagraph (G); and

(2) by inserting after subparagraph (E) the following:

"(F) any law firm or licensed attorney—

"(i) serving, filing, or conveying formal legal pleadings, discovery requests, or other documents pursuant to the applicable rules of civil procedure; or

"(ii) communicating in, or at the direction of, a court of law or in depositions or settlement conferences, in connection with a pending legal action to collect a debt on behalf of a client; and".

(b) RULE OF CONSTRUCTION.—The amendments made by subsection (a) shall not exempt, nor shall they be construed to exempt, any law firm or licensed attorney engaged in any activity other than those activities specifically described in the amendments from being subject to any other applicable provision of the Fair Debt Collection Practices Act.

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