

By Ms. Jehlen of Somerville, petition of Patricia D. Jehlen and others relative to unwanted communication from creditors to alleged debtors. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

PETITION OF:

Patricia D. Jehlen	Anne M. Paulsen
Barbara A. L'Italien	James R. Miceli
Joyce A. Spiliotis	Benjamin Swan
Deborah D. Blumer	Martha M. Walz
Robert A. DeLeo	Joseph R. Driscoll
Ellen Story	Dianne Wilkerson
Douglas W. Petersen	Walter F. Timilty

In the Year Two Thousand and Five.

AN ACT TO REDUCE UNWANTED COMMUNICATIONS FROM CREDITORS TO PROTECT THE PRIVACY AND PEACE OF RESIDENTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter ninety-three of the General Laws as appearing in the
2 2002 Official Edition is hereby amended by inserting after subsec-
3 tion(d) in section forty-nine the following:—

4 (e) The creditor communicates with the alleged debtor
5 regarding a debt after such debtor has notified the creditor, in
6 writing or orally, that the alleged debtor refuses to pay such debt
7 or that the alleged debtor wishes the creditor to cease further com-
8 munications with debtor about such debt, with the following
9 exceptions, which must be in writing:

10 To advise the alleged debtor that the creditors further efforts are
11 being terminated;

12 To notify the alleged debtor that the creditor may invoke speci-
13 fied remedies which are ordinarily invoked by such creditor; or

14 Where applicable, to notify the debtor that the creditor intends
15 to invoke a specified remedy.

16 An oral notice shall be valid for only ten days unless the
17 alleged debtor provides written confirmation postmarked or deliv-
18 ered within seven days of such notice. A debtor may rescind at
19 any time such a notice by written communication to the creditor.
20 A creditor must inform the alleged debtor of this right upon first
21 communication with the alleged debtor, to be followed within
22 thirty days by a written short and plain explanation of this right.

23 For purposes of this section, “creditor” means any person and
24 his agents, servants, employees or attorneys engaged in collecting
25 a debt owed or alleged to be owed to him by a debtor; provided,
26 however, that a person shall not be deemed to be engaged in col-
27 lecting a debt if his activities are solely for the purposes of repos-
28 soring any collateral or property of the creditor securing such a
29 debt.