

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	10 - 0 - 0
Yeas:	Barton, Cowan, Gilliam, Krieger, Matthews, Riley, Tomei, Weidner, Wingard, Holvey
Nays:	0
Exc.:	0
Prepared By:	Victoria Cox, Administrator
Meeting Dates:	3/16, 3/20

WHAT THE MEASURE DOES: Subjects persons who violate the Unlawful Debt Collection Practices Act to the provisions of the Unlawful Trade Practices Act.

ISSUES DISCUSSED:

- Current remedies for violation of Unlawful Debt Collection Practices Act (UDCPA)
- Remedies available under the Unlawful Trade Practices Act (UTPA)
- Willful vs. unintentional violation
- Enforcement by the Department of Justice
- Participation in multi-state action against out-of-state collectors
- Alternative regulation by the Department of Consumer and Business Services

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Debt collection is not currently subject to the provisions of the state's Unlawful Trade Practices Act (UTPA). While an individual may take legal action against a debt collector for violating the Unlawful Debt Collection Practices Act, the Attorney General has no authority to take such action. SB 328 provides the Department of Justice with the authority to enforce debt collection laws in Oregon under the UTPA and to participate in multi-state suits against out-of-state debt collectors.