

REVENUE: No revenue impact

FISCAL: No fiscal impact

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Action: Do Pass  
Vote: 3 - 2 - 0  
Yeas: Burdick, Rosenbaum, Bonamici  
Nays: George, Girod  
Exc.: 0  
Prepared By: Lori Brocker, Administrator  
Meeting Dates: 2/5, 2/17

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**WHAT THE MEASURE DOES:** Provides that person engages in unlawful practice under Unlawful Trade Practices Act if person uses unlawful collection practice in business, vocation or occupation as defined in ORS 646.639.

**ISSUES DISCUSSED:**

- Effect of debt collection laws on out-of-state debt collectors
- Interplay of federal and state law in debt collection context
- Pattern and practice of debt collectors
- Procedures of Department of Consumer and Business Services (DCBS) in regulation of debt collectors
- Differences in enforcement powers of DCBS and Department of Justice (DOJ)
- Current process for consumer complaints received by DOJ
- Other states handling of debt collection issues
- Coordination of legal actions between states
- Impact on financial entities

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** Collection practices in Oregon are regulated under the Trade Practices and Antitrust Regulations in ORS Chapter 646. Persons alleging unlawful debt collection practices may bring a civil action under ORS 646.641. Currently, debt collection practices are not subject to ORS 646.607, the Unlawful Trade Practices Act (UTPA). Senate Bill 328 puts unlawful collection practices or acts under the UTPA framework, giving the DOJ the authority to enforce debt collection laws. The federal Fair Debt Collection Practices Act also provides some protection against unlawful debt collection practices, but it is typically applied in interstate or national contexts.