

HOUSE AMENDMENTS TO HOUSE BILL 2826

By COMMITTEE ON CONSUMER PROTECTION AND GOVERNMENT EFFICIENCY

April 24

- 1 On page 1 of the printed bill, after line 12, insert:
- 2 “(c) ‘Original creditor’ means the last entity that extended credit to a consumer to purchase
3 goods or services, to lease goods or as a loan of money.”
- 4 In line 18, after “name” insert “, written as the original creditor used the name in dealings with
5 the debtor”.
- 6 In line 19, delete “creditor’s original” and insert “original creditor’s”.
- 7 On page 2, line 10, after “name” insert “, written as the original creditor used the name in
8 dealings with the debtor”.
- 9 In line 12, delete “creditor’s original” and insert “original creditor’s”.
- 10 In line 27, delete “creditor’s original” and insert “original creditor’s”.
- 11 In line 34, delete “that the court has ordered”.
- 12 In line 39, before “creditor” insert “original”.
- 13 On page 3, line 42, delete “, in the ordinary course of business,”.
- 14 On page 4, lines 15 and 16, delete the boldfaced material.
- 15 On page 5, delete lines 33 through 44 and insert:
- 16 “(3)(a) It is an unlawful collection practice for a debt collector that is acting as a debt buyer
17 or on behalf of a debt buyer to:
- 18 “(A) Bring an action or initiate an arbitration proceeding against a debtor or otherwise attempt
19 to collect a debt if the debt collector knows or reasonably should know that an applicable statute
20 of limitations bars the action, arbitration proceeding or collection attempt; or
- 21 “(B) Bring an action or initiate an arbitration proceeding against a debtor or otherwise attempt
22 to collect a debt without valid documentation that shows:
- 23 “(i) The name of the original creditor, written as the original creditor used the name in dealings
24 with the debtor;
- 25 “(ii) The name and address of the debtor;
- 26 “(iii) The original creditor’s account number for the debt, as shown in the original creditor’s
27 records;
- 28 “(iv) A copy of the contract or other writing that the debtor signed and that is evidence of the
29 original debt;
- 30 “(v) An itemized accounting of the amount the debt collector claims that the debtor owes, in-
31 cluding all fees and charges; and
- 32 “(vi) Evidence that the debt collector owns the specific debt instrument or account that is the
33 subject of the action, proceeding or collection attempt.
- 34 “(b) As used in this subsection, ‘original creditor’ has the meaning given that term in section 1
35 of this 2013 Act.”.

1 In line 45, delete “(3)” and insert “(4)”.

2 On page 6, line 3, delete “(4)” and insert “(5)”.

3 In line 12, delete the boldfaced material and delete lines 13 through 19 and insert “The court
4 may award reasonable attorney fees and costs at trial and on appeal to a prevailing plaintiff in an
5 action under this section. The court may award reasonable attorney fees and costs at trial and on
6 appeal to a prevailing defendant only if the court finds that the plaintiff did not have an objectively
7 reasonable basis for bringing the action or asserting the ground for appeal.”.

8 Delete line 23 and insert “(a) The injury occurred; or”.

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