

**PROPOSED AMENDMENTS TO
HOUSE BILL 2826**

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
3 consumer to purchase goods or services, to lease goods or as a loan of
4 money.”.

5 In line 18, after “name” insert “, written as the original creditor used the
6 name in dealings with the debtor”.

7 In line 19, delete “creditor’s original” and insert “original creditor’s”.

8 On page 2, line 10, after “name” insert “, written as the original creditor
9 used the name in dealings with the debtor”.

10 In line 12, delete “creditor’s original” and insert “original creditor’s”.

11 In line 27, delete “creditor’s original” and insert “original creditor’s”.

12 In line 34, delete “that the court has ordered”.

13 In line 39, before “creditor” insert ‘original’.

14 On page 3, line 42, delete “, in the ordinary course of business,”.

15 On page 4, lines 15 and 16, delete the boldfaced material.

16 On page 5, delete lines 33 through 44 and insert:

17 “(3)(a) It is an unlawful collection practice for a debt collector that is
18 acting as a debt buyer or on behalf of a debt buyer to:

19 “(A) Bring an action or initiate an arbitration proceeding against a
20 debtor or otherwise attempt to collect a debt if the debt collector knows or
21 reasonably should know that an applicable statute of limitations bars the
22 action, arbitration proceeding or collection attempt; or

1 “(B) Bring an action or initiate an arbitration proceeding against a debtor
2 or otherwise attempt to collect a debt without valid documentation that
3 shows:

4 “(i) The name of the original creditor, written as the original creditor
5 used the name in dealings with the debtor;

6 “(ii) The name and address of the debtor;

7 “(iii) The original creditor’s account number for the debt, as shown in the
8 original creditor’s records;

9 “(iv) A copy of the contract or other writing that the debtor signed and
10 that is evidence of the original debt;

11 “(v) An itemized accounting of the amount the debt collector claims that
12 the debtor owes, including all fees and charges; and

13 “(vi) Evidence that the debt collector owns the specific debt instrument
14 or account that is the subject of the action, proceeding or collection attempt.

15 “(b) As used in this subsection, ‘original creditor’ has the meaning given
16 that term in section 1 of this 2013 Act.”

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

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

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

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