

HOUSE No. 4131

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to reduce unwanted communication from creditors to protect the peace and privacy 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 SECTION 1. Chapter 93 of the General Laws as appearing in the 2004 Official Edition

2 is

3 hereby amended by inserting after subsection(d) in section forty-nine the following:-

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

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

9 To notify the alleged debtor that the creditor may invoke specified remedies which are
10 ordinarily invoked by such creditor; or, where applicable, to notify the debtor that the
11 creditor intends to invoke a specified remedy.

12 An oral notice shall be valid for only ten days unless the alleged debtor provides written

confirmation postmarked or delivered within seven days of such notice. A debtor may rescind at

any time such a notice by written communication to the creditor. A creditor must inform the

alleged debtor of this right upon first communication with the alleged debtor, to be followed

within thirty days by a written short and plain explanation of this right.

Notwithstanding any General or special law or rule or regulation to the contrary, if a debtor sends a written notice to a creditor to whom said debtor owes an obligation for the payment of a bill or an outstanding debt stating that said debtor wishes the creditor to cease any further communications with said debtor concerning said bill or outstanding debt, then said creditor shall immediately cease any further communications with said debtor.

Notwithstanding any General or special law or rule or regulation to the contrary, a copy of the aforementioned written notice prohibiting communications between said creditor and said debtor shall be forwarded by said creditor to any further creditor further assigned to collect said bill or debt, and the provisions of such written notice shall remain operational and in effect until such time a said debtor sends a written notice to said creditor rescinding the original written cease communication notice.

For purposes of this section, “creditor” means any person and his agents, servants, employees, attorneys or debt collector or collection firm engaged in collecting a debt owed or alleged to be owed to him by a debtor; provided, however, that a person shall not be deemed to

- 34 be engaged in collecting a debt if his activities are solely for the purposes of repossessing any
- 35 collateral or property of the creditor securing such a debt.