

HOUSE No. 887

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act permitting collection agencies to accept assignment of debts..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 93 of the General Laws, as appearing in the 2004 Official Edition, is hereby
2 amended by inserting after section 24D the following section:—The commissioner of banks shall
3 regulate that a collection agency may accept assignments of any account, bill or indebtedness in
4 its own name as the real party in interest and may bring suit thereon in its own name, provided
5 (a) such assignment is in writing and the agreement with the debtor did not prohibit such
6 assignment, (b) no suit authorized by this section may be instituted on behalf of a collection
7 agency in any court, unless the collection agency appears by a duly authorized and licensed
8 attorney at law, and (c) the collection agency gives the debtor written notice of such assignment
9 within thirty days after such assignment. In the case of an assignment the collection agency shall
10 not employ a deceptive or unfair collection practice as set forth in the Code of Massachusetts
11 Regulations. The collection agency shall not be entitled to collect any interest, charge or
12 expense, including legal fees, in connection with the collection of the principal obligation unless
13 it is expressly authorized in the agreement creating the debt or is permitted by law.