

**SENATE . . . . . No. 136**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act to reduce unwanted communications 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 is  
2 hereby amended by inserting after subsection(d) in section forty-nine the following:-

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

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

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

11 An oral notice shall be valid for only ten days unless the alleged debtor provides written  
12 confirmation postmarked or delivered within seven days of such notice. A debtor may rescind at

13 any time such a notice by written communication to the creditor. A creditor must inform the  
14 alleged debtor of this right upon first communication with the alleged debtor, to be followed  
15 within thirty days by a written short and plain explanation of this right.

16 For purposes of this section, “creditor” means any person and his agents, servants,  
17 employees or attorneys engaged in collecting a debt owed or alleged to be owed to him by a  
18 debtor; provided, however, that a person shall not be deemed to be engaged in collecting a debt if  
19 his activities are solely for the purposes of repossessing any collateral or property of the creditor  
20 securing such a debt.