

SENATE No. 136

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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.