

SENATE No. 105

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia D. Jehlen

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to reduce unwanted communication from creditors to protect the peace and privacy of residents..

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | |
|-----------------------------|---|-----------------|
| <i>Patricia D. Jehlen</i> | | |
| <i>Christine E. Canavan</i> | <i>10th Plymouth</i> | |
| <i>Gale D. Candaras</i> | | |
| <i>Sal N. DiDomenico</i> | <i>Middlesex and Suffolk</i> | |
| <i>Benjamin B. Downing</i> | <i>Berkshire, Hampshire, Franklin and Hampden</i> | |
| <i>James B. Eldridge</i> | | |
| <i>Robert L. Hedlund</i> | | |
| <i>Frank I. Smizik</i> | <i>15th Norfolk</i> | |
| <i>Joyce A. Spiliotis</i> | <i>12th Essex</i> | |
| <i>Benjamin Swan</i> | <i>11th Hampden</i> | |
| <i>Robert M. Koczera</i> | <i>11th Bristol</i> | <i>8/4/2017</i> |

SENATE No. 105

By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 105) of Patricia D. Jehlen, Christine E. Canavan, Gale D. Candaras, Sal N. DiDomenico and other members of the General Court to reduce unwanted communication from creditors to protect the peace and privacy of residents. Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 4131 OF 2009-2010.]

The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven
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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 2008 Official Edition
2 is 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 Notwithstanding any General or special law or rule or regulation to the contrary, if a
17 debtor sends a written notice to a creditor to whom said debtor owes an obligation for the
18 payment of a bill or an outstanding debt stating that said debtor wishes the creditor to cease any
19 further communications with said debtor concerning said bill or outstanding debt, then said
20 creditor shall immediately cease any further communications with said debtor.

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

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

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