

SENATE No. 106

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 reducing unwanted communication from creditors to protect the peace and privacy of residents..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>Benjamin B. Downing</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>

SENATE No. 106

By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 106) of Patricia D. Jehlen, Sal N. DiDomenico, Jason M. Lewis, Benjamin Swan and other members of the General Court for legislation 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 SENATE, NO. 105 OF 2011-2012.]

The Commonwealth of Massachusetts

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In the Year Two Thousand Thirteen
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An Act reducing 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. Section 49 of chapter 93 of the General Laws, as appearing in the 2010
2 Official Edition, is hereby amended by inserting after subsection(d) the following subsection:-

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 send the
14 alleged debtor written notification of this right at the time that the creditor considers the account

15 delinquent and begins communication with the debtor about the debt. Such written notice must
16 be separate from the regular monthly statement.

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

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

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