

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1711

To improve the administration of the Fair Debt Collection Practices Act.

---

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 1995

Mr. BACHUS introduced the following bill; which was referred to the  
Committee on Banking and Financial Services

---

## A BILL

To improve the administration of the Fair Debt Collection  
Practices Act.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fair Debt Collection  
5 Practices Amendments of 1995”.

6 **SEC. 2. AMENDMENTS TO FAIR DEBT COLLECTION PRACTICES ACT.**  
7

8 (a) DISCLOSURE OF PURPOSE OF COMMUNICA-  
9 TION.—Section 807(11) of the Fair Debt Collection Prac-  
10 tices Act (15 U.S.C. 1692e(11)) is amended by striking  
11 “in all communications made to collect a debt” and insert-

1 ing “in the initial written communication with a consumer  
2 to collect a debt”.

3 (b) NOTICE OF ASSUMPTION OF VALIDITY OF  
4 DEBT.—Section 809(a)(3) of the Fair Debt Collection  
5 Practices Act (15 U.S.C. 1692g(a)(3)) is amended—

6 (1) by inserting “appearing in type at least as  
7 large as 8-point type” after “statement”;

8 (2) by striking “disputes” and inserting “noti-  
9 fies the debt collector in writing that”; and

10 (3) by inserting “is disputed,” after “any por-  
11 tion thereof,”.

12 (c) COLLECTION DURING 30-DAY PERIOD.—Section  
13 809 of the Fair Debt Collection Practices Act (15 U.S.C.  
14 1692g) is amended by adding at the end the following new  
15 subsection:

16 “(d) COLLECTION ATTEMPTS DURING 30-DAY PE-  
17 RIOD.—Except as provided in subsection (b), a debt collec-  
18 tor may attempt to collect a debt during the 30-day period  
19 described in subsection (a) and may demand that payment  
20 be made during such period.”.

21 (d) RELATION TO STATE LAW.—Section 816 of the  
22 Fair Debt Collection Practices Act (15 U.S.C. 1692n) is  
23 amended—

24 (1) by striking “This title” and inserting “(a)  
25 IN GENERAL.—This title”; and

1           (2) by adding at the end the following new sub-  
2 sections:

3           “(b) NO REMEDY UNDER THIS TITLE FOR STATE  
4 LAW VIOLATIONS.—This title shall not be construed as  
5 providing a remedy for any violation of the law of any  
6 State with respect to debt collection practices.

7           “(c) NO LIABILITY UNDER THIS TITLE FOR STATE  
8 LAW VIOLATIONS.—This title shall not be construed as  
9 establishing any liability or penalty for a violation of the  
10 law of any State unless the conduct which constitutes a  
11 violation of the law of such State also constitutes a viola-  
12 tion of any requirement of this title or regulations pre-  
13 scribed pursuant to this title.”.

14           (e) ACQUISITION OF INFORMATION.—Section 804 of  
15 the Fair Debt Collection Practices Act (15 U.S.C. 1692b)  
16 is amended—

17           (1) by striking “Any debt collector” and insert-  
18 ing “(a) IN GENERAL.—Any debt collector”; and

19           (2) by adding at the end the following new sub-  
20 section:

21           “(b) COMMUNICATION WITH PERSONS OTHER THAN  
22 ATTORNEYS FOR CERTAIN PURPOSES.—Notwithstanding  
23 subsection (a)(6), a debt collector who knows the  
24 consumer is represented by an attorney may communicate  
25 with any person other than such attorney for purposes of

1 obtaining location, income, asset, or credit information  
2 about the consumer if the attorney refuses to provide such  
3 information to the debt collector and the debt collector has  
4 otherwise complied with subsection (a)(6).”.

5 (f) SAFE HARBOR FOR UNINTENTIONAL VIOLATIONS  
6 RESULTING FROM USE OF APPROVED FORMS.—Section  
7 813(c) of the Fair Debt Collection Practices Act (15  
8 U.S.C. 1692k(c)) is amended by inserting before the pe-  
9 riod at the end “or resulted from the use of a form of  
10 written communication which was approved by any State  
11 or Federal agency which regulates debt collectors”.

12 (g) EXEMPTION OF FEDERAL OR STATE EMPLOYEES  
13 LIMITED TO COLLECTION IN THE COURSE OF EMPLOY-  
14 MENT.—Section 803(6) of the Fair Debt Collection Prac-  
15 tices Act (15 U.S.C. 1692a(6)) is amended by inserting  
16 “while acting as a debt collector for debt owed to the  
17 United States or such State,” after “officer or employee  
18 of the United States or any State.”.

19 (h) “REASONABLE PERSON” STANDARD.—Section  
20 813 of the Fair Debt Collection Practices Act (15 U.S.C.  
21 1692k) is amended by adding at the end the following new  
22 subsection:

23 “(f) ‘REASONABLE PERSON’ STANDARD.—In making  
24 a determination as to whether or not a debt collector has  
25 failed to comply with any provision of this title with re-

1 spect to any person, the court shall consider the effect of  
2 any act or omission of the debt collector upon a reasonable  
3 person.”.

