

# HOUSE BILL No. 4657

May 24, 2017, Introduced by Rep. Webber and referred to the Committee on Financial Services.

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 915 (MCL 339.915), as amended by 1981 PA 83.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 915. **(1)** A licensee shall not ~~commit 1 or more~~ **DO ANY** of  
2 the following: ~~acts:~~

3           (a) ~~Communicating~~ **COMMUNICATE** with a debtor in a misleading or  
4 deceptive manner, such as using the stationery of an attorney or  
5 the stationery of a credit bureau unless it is disclosed that it is  
6 the collection department of the credit bureau.

7           (b) ~~Using forms or instruments which simulate~~ **USE A FORM OR**  
8 **INSTRUMENT THAT SIMULATES** the appearance of judicial process.

9           (c) ~~Using seals or printed forms~~ **USE A SEAL OR PRINTED FORM** of  
10 a government agency or instrumentality.

11           (d) ~~Using forms~~ **USE A FORM** that may otherwise induce the

1 belief that ~~they have~~ **THE FORM HAS** judicial or official sanction.

2 (e) ~~Making~~ **MAKE** an inaccurate, misleading, untrue, or  
3 deceptive statement or claim in a communication to collect a debt  
4 or ~~concealing or not revealing~~ **CONCEAL OR NOT REVEAL** the purpose of  
5 a ~~communication when it~~ **COMMUNICATION THAT** is made in connection  
6 with collecting a debt.

7 (f) ~~Misrepresenting in~~ **IN** a communication with a debtor,  
8 **MISREPRESENT** any of the following:

9 (i) The legal status of a legal action being taken or  
10 threatened.

11 (ii) The legal rights of the creditor or debtor.

12 (iii) That the nonpayment of a debt will result in the  
13 debtor's arrest or imprisonment, or the seizure, garnishment,  
14 attachment, or sale of the debtor's property.

15 (iv) That ~~accounts have~~ **AN ACCOUNT HAS** been turned over to  
16 ~~innocent purchasers~~ **AN INNOCENT PURCHASER** for value.

17 (g) ~~Communicating~~ **COMMUNICATE** with a debtor without accurately  
18 disclosing the caller's identity or cause expenses to the debtor  
19 for a long distance telephone call, telegram, or other charge.

20 (h) ~~Communicating~~ **COMMUNICATE** with a debtor, except through  
21 billing procedure, ~~when~~ **IF** the debtor is actively represented by an  
22 attorney, the attorney's name and address are known, and the  
23 attorney has been contacted in writing by the ~~credit grantor or the~~  
24 ~~credit grantor's~~ **CREDITOR OR THE CREDITOR'S** representative or  
25 agent, unless the attorney representing the debtor fails to answer  
26 written communication or fails to discuss the claim on its merits  
27 within 30 days after ~~receipt of~~ **THE ATTORNEY RECEIVES** the written

1 communication.

2 (i) ~~Communicating~~ **COMMUNICATE** information relating to a  
3 debtor's indebtedness to an employer or an employer's agent unless  
4 the communication is specifically authorized in writing by the  
5 debtor subsequent to the forwarding of the claim for collection,  
6 the communication is in response to an inquiry initiated by the  
7 debtor's employer or the employer's agent, or the communication is  
8 for the purpose of acquiring location information about the debtor.

9 (j) ~~Using or employing, in~~ **IN** connection with collection of a  
10 claim, ~~a person~~ **USE OR EMPLOY AN INDIVIDUAL WHO IS** acting as a  
11 peace or law enforcement officer or any other officer authorized to  
12 serve legal papers.

13 (k) ~~Using or threatening~~ **USE OR THREATEN** to use physical  
14 violence in connection with collection of a claim.

15 (l) ~~Publishing, causing to be published, or threatening to~~  
16 ~~publish lists~~ **PUBLISH, CAUSE THE PUBLICATION OF, OR THREATEN TO**  
17 **PUBLISH A LIST** of debtors, except for credit reporting purposes  
18 when in response to a specific inquiry from a prospective credit  
19 grantor about a debtor.

20 (m) ~~Using~~ **USE** a shame card ~~,~~ **OR** shame automobile, or otherwise  
21 bring to public notice that ~~the~~ **A** consumer is a debtor, except with  
22 respect to a **PENDING** legal proceeding. ~~which is instituted.~~

23 (n) ~~Using~~ **USE** a harassing, oppressive, or abusive method to  
24 collect a debt, including causing a telephone to ring or engaging a  
25 ~~person~~ **AN INDIVIDUAL** in telephone conversation repeatedly,  
26 continuously, or at unusual times or places ~~which are known to be~~  
27 **THAT THE LICENSEE, OR THE REPRESENTATIVE OF THE CREDITOR THAT MAKES**

1 **THE CALL, KNOWS ARE** inconvenient to the debtor. All communications  
2 shall be made from 8 a.m. to 9 p.m. unless the debtor expressly  
3 agrees in writing to communications at another time. All telephone  
4 communications made from 9 p.m. to 8 a.m. ~~shall be~~ **ARE** presumed to  
5 be made at an inconvenient time in the absence of facts to the  
6 contrary.

7 (o) ~~Using~~ **USE** profane or obscene language.

8 (p) ~~Using~~ **USE** a method **THAT IS** contrary to a postal law or  
9 regulation to collect an account.

10 (q) ~~Failing~~ **FAIL** to implement a procedure designed to prevent  
11 a violation by an employee.

12 (r) ~~Communicating~~ **COMMUNICATE** with a consumer regarding a debt  
13 by postcard.

14 **(S) IMPLICATE A DEBTOR IN A CRIME.**

15 **(T) ENGAGE IN CONDUCT TO DISGRACE A DEBTOR WHILE COLLECTING A**  
16 **CLAIM.**

17 **(U) DISRUPT THE TRANQUILITY, PEACE, AND HARMONY OF A DEBTOR'S**  
18 **RESIDENCE BY VIOLENCE OR OTHER VERBAL OR PHYSICAL MEANS.**

19 **(V) INCITE THE DEBTOR TO COMMIT AN ASSAULTIVE CRIME. AS USED**  
20 **IN THIS SUBDIVISION, "ASSAULTIVE CRIME" MEANS THAT TERM AS DEFINED**  
21 **IN SECTION 9A OF CHAPTER X OF THE CODE OF CRIMINAL PROCEDURE, 1927**  
22 **PA 175, MCL 770.9A.**

23 **(2) IN ADDITION TO ANY PENALTIES ASSESSED UNDER ARTICLE 6 OR**  
24 **OTHERWISE PRESCRIBED BY LAW, A LICENSEE THAT VIOLATES THIS SECTION**  
25 **IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN**  
26 **\$2,500.00 OR IMPRISONMENT FOR NOT MORE THAN 1 YEAR, OR BOTH.**

27 Enacting section 1. This amendatory act takes effect 90 days

1 after the date it is enacted into law.