

# SENATE BILL NO. 989

March 24, 2022, Introduced by Senator IRWIN and referred to the Committee on Regulatory Reform.

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. A licensee shall not ~~commit 1 or more~~ **do any** of the  
2 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

1 the stationery of a credit bureau unless it is disclosed that ~~it~~  
 2 **the communication** is **from** the collection department of the credit  
 3 bureau.

4 ~~(b) Using forms or instruments which simulate~~ **Use a form or**  
 5 **instrument that simulates** the appearance of judicial process.

6 ~~(c) Using seals~~ **Use a seal** or printed ~~forms~~ **form** of a  
 7 government agency or instrumentality.

8 ~~(d) Using forms~~ **Use a form** that may otherwise induce the  
 9 belief that ~~they have~~ **the form has** judicial or official sanction.

10 ~~(e) Making~~ **Make** an inaccurate, misleading, untrue, or  
 11 deceptive statement or claim in a communication to collect a debt  
 12 or ~~concealing~~ **conceal** or not ~~revealing~~ **reveal** the purpose of a  
 13 ~~communication when it~~ **communication that** is made in connection with  
 14 collecting a debt.

15 ~~(f) Misrepresenting in~~ **In** a communication with a debtor,  
 16 **misrepresent** any of the following:

17 (i) The legal status of a legal action being taken or  
 18 threatened.

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

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

23 (iv) That ~~accounts have~~ **an account has** been turned over to **an**  
 24 innocent ~~purchasers~~ **purchaser** for value.

25 ~~(g) Communicating~~ **Communicate** with a debtor without accurately  
 26 disclosing the caller's identity or cause expenses to the debtor  
 27 for a long distance telephone call, telegram, or other charge.

28 ~~(h) Communicating~~ **Communicate** with a debtor, except through  
 29 billing procedure, ~~when~~ **if** the debtor is actively represented by an

1 attorney, the attorney's name and address are known, and the  
 2 attorney has been contacted in writing by the ~~credit grantor~~  
 3 **creditor** or the ~~credit grantor's~~ **creditor's** representative or  
 4 agent, unless the attorney representing the debtor fails to answer  
 5 written communication or fails to discuss the claim on its merits  
 6 ~~within not later than 30 days after receipt of the attorney~~  
 7 **receives** the written communication.

8 (i) ~~Communicating~~ **Communicate** information ~~relating that~~  
 9 **relates** to a debtor's indebtedness to an employer or an employer's  
 10 agent unless the communication is specifically authorized in  
 11 writing by the debtor subsequent to the forwarding of the claim for  
 12 collection, the communication is in response to an inquiry  
 13 initiated by the debtor's employer or the employer's agent, or the  
 14 communication is for the purpose of acquiring location information  
 15 about the debtor.

16 (j) ~~Using or employing, in~~ **In** connection with collection of a  
 17 claim, ~~a person acting~~ **use or employ an individual to act** as a  
 18 peace or law enforcement officer or any other officer authorized to  
 19 serve legal papers.

20 (k) ~~Using~~ **In connection with collection of a claim, use** or  
 21 ~~threatening~~ **threaten** to use physical violence. ~~in connection with~~  
 22 ~~collection of a claim.~~

23 (l) ~~Publishing, causing~~ **Publish, or cause** to be published, or  
 24 ~~threatening~~ **threaten** to publish ~~lists~~ **a list** of debtors, except for  
 25 credit reporting purposes ~~when if the list is~~ in response to a  
 26 specific inquiry from a prospective credit grantor about a debtor.

27 (m) ~~Using~~ **Use** a shame card, shame automobile, or otherwise  
 28 bring to public notice that ~~the~~ **a** consumer is a debtor, except with  
 29 respect to a **pending** legal proceeding. ~~which is instituted.~~

1           (n) ~~Using~~**Use** a harassing, oppressive, or abusive method to  
2 collect a debt, including causing a telephone to ring or engaging a  
3 ~~person~~**an individual** in telephone conversation repeatedly,  
4 continuously, or at unusual times or places ~~which are known to be~~  
5 **that the licensee or the representative of the creditor that makes**  
6 **the call knows are** inconvenient to the debtor. All communications  
7 ~~shall~~**must** be made ~~from~~**after** 8 a.m. ~~to~~**but before** 9 p.m. unless  
8 the debtor expressly agrees in writing to communications at another  
9 time. All telephone communications made ~~from~~**after** 9 p.m. ~~to~~**but**  
10 **before** 8 a.m. ~~shall be~~**are** presumed to be made at an inconvenient  
11 time in the absence of facts to the contrary.

12           (o) ~~Using~~**Use** profane or obscene language.

13           (p) ~~Using~~**Use** a method **that is** contrary to a postal law or  
14 regulation to collect an account.

15           (q) ~~Failing~~**Fail** to implement a procedure designed to prevent  
16 a violation by an employee.

17           (r) ~~Communicating~~**Communicate** with a consumer regarding a debt  
18 by postcard.

19           (s) **In connection with collection of a claim, communicate with**  
20 **a debtor by using a text message or a social media platform.**