

S-3/17/97 Judiciary
S-3/25/97 Do Pass

FEB 20 1997
Place On Calendar

HOUSE FILE 308
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 101)

Passed House, Date 3-17-97 (p.619) Passed Senate, Date 4/10/97 (p.1096)
Vote: Ayes 57 Nays 42 Vote: Ayes 46 Nays 3
Approved May 6, 1997

A BILL FOR

1 An Act relating to notification requirements for communications
2 between a debt collector and a debtor.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HOUSE FILE 308

H-1081

1 Amend House File 308 as follows:
2 1. Page 1, line 3, by striking the word
3 "~~clearly~~", and inserting the following: "clearly".
By BERNAU of Story

H-1081 FILED FEBRUARY 24, 1997

Lost 3/17/97
(P. 619)

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HF 308

1 Section 1. Section 537.7103, subsection 4, paragraph b,
2 Code 1997, is amended to read as follows:

3 b. The failure to clearly disclose in all the initial
4 written communications-made-to-collect-or-attempt-to-collect-a
5 debt-or-to-obtain-or-attempt-to-obtain-information-about-a
6 debtor communication with the debtor and, in addition, if the
7 initial communication with the debtor is oral, in that initial
8 oral communication, that the debt collector is attempting to
9 collect a debt and that information obtained will be used for
10 that purpose, and the failure to disclose in subsequent
11 communications that the communication is from a debt
12 collector, except where-disclosure-would-tend-to-embarrass-the
13 debtor that this paragraph does not apply to a formal pleading
14 made in connection with a legal action.

15 EXPLANATION

16 This bill amends Code section 537.7103, subsection 4,
17 paragraph "b", which relates to the required disclosure a debt
18 collector must give to a debtor in all written communications
19 that the debt collector is attempting to collect a debt and
20 that information obtained will be used for that purpose.

21 The bill provides that in an initial contact only, whether
22 the contact is oral or written, the debt collector must notify
23 the debtor that the debt collector is attempting to collect a
24 debt and that any information obtained will be used for that
25 purpose. The bill provides that in subsequent communications
26 the debt collector must identify that the communication is
27 from a debt collector.

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Churchill, Ch.
Lamberti
Halvack

HSB 101

JUDICIARY

Succeeded By
SF/HF 308

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON LAMBERTI)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

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5 debt-or-to-obtain-or-attempt-to-obtain-information-about-a
6 debtor communication with the debtor and, in addition, if the
7 initial communication with the debtor is oral, in that initial
8 oral communication, that the debt collector is attempting to
9 collect a debt and that information obtained will be used for
10 that purpose, and the failure to disclose in subsequent
11 communications that the communication is from a debt
12 collector, except where-disclosure-would-tend-to-embarrass-the
13 debtor that this paragraph does not apply to a formal pleading
14 made in connection with a legal action.

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HOUSE FILE 308

AN ACT

RELATING TO NOTIFICATION REQUIREMENTS FOR COMMUNICATIONS
BETWEEN A DEBT COLLECTOR AND A DEBTOR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 537.7103, subsection 4, paragraph b, Code 1997, is amended to read as follows:

b. The failure to clearly disclose in ~~all the initial written communications-made-to-collect-or-attempt-to-collect-a debt-or-to-obtain-or-attempt-to-obtain-information-about-a debtor communication~~ with the debtor and, in addition, if the initial communication with the debtor is oral, in that initial oral communication, that the debt collector is attempting to collect a debt and that information obtained will be used for that purpose, and the failure to disclose in subsequent communications that the communication is from a debt collector, ~~except where-disclosure-would-tend-to-embarrass-the~~

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 308, Seventy-seventh General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved May 6, 1997

TERRY E. BRANSTAD
Governor