

FILED MAR 10 '03

SENATE RESOLUTION NO. 21

BY BOLKCOM

1 A Resolution requesting the Legislative Council to
2 authorize a legislative interim study of debt
3 collection practices provisions of the Iowa Consumer
4 Credit Code.
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6 WHEREAS, there is a lack of public awareness
7 regarding an individual's rights under the Iowa Debt
8 Collection Practices Act (IDCPA) and this lack of
9 awareness has resulted in relatively few cases being
10 filed under that law, and a resulting unfamiliarity
11 among the judiciary regarding the law, the types of
12 abuse that commonly occur, and the prevalence of such
13 abuse; and
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15 WHEREAS, the serious misdemeanor criminal penalty,
16 civil penalty, and civil damage provisions of the
17 IDCPA have not been updated in more than 15 years and
18 are now insufficient to deter creditors and collection
19 agencies from committing violations; and
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21 WHEREAS, the IDCPA should be revised to address the
22 technological advances that have occurred since the
23 law's passage which allow creditors and collection
24 agencies to have more ready access to debtors; and
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26 WHEREAS, the IDCPA should be revised to address
27 current practices of credit card companies and
28 collection agencies in regard to collection tactics,
29 training practices, and internal controls and
30 regulations; and

31 WHEREAS, it may be appropriate to shift the burden
32 of proving a violation to require greater

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1 responsibility on the part of creditors and collection
2 agencies in order to increase the law's effectiveness
3 and encourage greater compliance; and

4 WHEREAS, the applicability of the current law and
5 of any future legislation regarding debt collection to
6 out-of-state creditors and collection agencies should
7 be examined, with the office of the attorney general
8 consulted regarding the applicability and any
9 constitutional concerns that may arise from that
10 applicability; NOW THEREFORE,

11 BE IT RESOLVED BY THE SENATE, That the Legislative
12 Council is requested to create a legislative study
13 committee to review Iowa requirements for debt
14 collection practices under the Iowa Debt Collection
15 Practices Act of the Consumer Credit Code during the
16 2003 interim.

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