

Senate File 2094 - Introduced

SENATE FILE 2094

BY DANIELSON

A BILL FOR

1 An Act relating to disclosure of information relating to a debt
2 to the spouse of the debtor.

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

1 Section 1. Section 537.7103, subsection 3, paragraph a,
2 subparagraph (8), Code 2011, is amended to read as follows:

3 (8) Communicating with the debtor's spouse ~~with the consent~~
4 ~~of the debtor,~~ or responding to inquiry from the debtor's
5 spouse.

6 EXPLANATION

7 This bill relates to the disclosure of information relating
8 to a debt to the spouse of the debtor.

9 The consumer credit code contained in Code chapter 537
10 specifies prohibited practices in connection with the
11 dissemination of information relating to a debt or a debtor.
12 One of the prohibited practices concerns communicating or
13 threatening to communicate or implying that a debt exists to a
14 person other than the debtor or a person who might reasonably
15 be expected to be liable for the debt, except with the written
16 permission of the debtor given after default. There are
17 several exceptions to this prohibition, however, including
18 communications with the debtor's spouse with the consent of the
19 debtor, or responding to an inquiry from the debtor's spouse.
20 This spousal exception does not currently authorize or extend
21 to communicating with the debtor's spouse without the consent
22 of the debtor where the communication is not pursuant to an
23 inquiry from the debtor's spouse.

24 This bill removes the provision that the communication with
25 the debtor's spouse is authorized only with the consent of the
26 debtor in a nonspousal inquiry situation. Accordingly, a debt
27 collector would be permitted to disclose information relating
28 to a debt to the spouse of the debtor without the requirement
29 that the debtor consent to the communication.