

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Ms. Jehlen

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to reduce unwanted communications from creditors to protect the peace and privacy of residents.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Ms. Jehlen	Second Middlesex
Christine E. Canavan	10th Plymouth

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S00184 OF 2007-2008.]

The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine
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AN ACT TO REDUCE UNWANTED COMMUNICATIONS FROM CREDITORS TO PROTECT
THE PEACE AND PRIVACY OF RESIDENTS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority
of the same, as follows:*

- 1 SECTION 1: Chapter 93 of the General Laws as appearing in the 2004 Official Edition is hereby amended
2 by inserting after subsection(d) in section forty-nine the following:-
- 3 (e) The creditor communicates with the alleged debtor regarding a debt after such debtor has notified
4 the creditor, in writing or orally, that the alleged debtor refuses to pay such debt or that the alleged
5 debtor wishes the creditor to cease further communications with debtor about such debt, with the
6 following exceptions, which must be in writing:
- 7 To advise the alleged debtor that the creditors further efforts are being terminated;
- 8 To notify the alleged debtor that the creditor may invoke specified remedies which are ordinarily
9 invoked by such creditor; or, where applicable, to notify the debtor that the creditor intends to invoke a
10 specified remedy.
- 11 An oral notice shall be valid for only ten days unless the alleged debtor provides written confirmation
12 postmarked or delivered within seven days of such notice. A debtor may rescind at any time such a
13 notice by written communication to the creditor. A creditor must inform the alleged debtor of this right
14 upon first communication with the alleged debtor, to be followed within thirty days by a written short
15 and plain explanation of this right.
- 16 For purposes of this section, "creditor" means any person and his agents, servants, employees or
17 attorneys engaged in collecting a debt owed or alleged to be owed to him by a debtor; provided,

18 however, that a person shall not be deemed to be engaged in collecting a debt if his activities are solely
19 for the purposes of repossessing any collateral or property of the creditor securing such a debt.