



Rep. Lou Lang

Filed: 3/16/2012

09700HB5016ham003

LRB097 18247 AMC 67523 a

1 AMENDMENT TO HOUSE BILL 5016

2 AMENDMENT NO. _____. Amend House Bill 5016, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Collection Agency Act is amended by
6 changing Section 2 and by adding Sections 8.5 and 8.6 as
7 follows:

8 (225 ILCS 425/2) (from Ch. 111, par. 2002)

9 (Section scheduled to be repealed on January 1, 2016)

10 Sec. 2. Definitions. In this Act:

11 "Charge-off balance" means an account principal and other
12 legally collectible costs, expenses, and interest accrued
13 prior to the charge-off date, less any payments or settlement.

14 "Charge-off date" means the date on which a receivable is
15 treated as a loss or expense.

16 "Consumer credit transaction" means a transaction between

1 a natural person and another person in which property, service,
2 or money is acquired on credit by that natural person from such
3 other person primarily for personal, family, or household
4 purposes.

5 "Consumer debt" or "consumer credit" means money,
6 property, or their equivalent, due or owing or alleged to be
7 due or owing from a natural person by reason of a consumer
8 credit transaction.

9 "Creditor" means a person who extends consumer credit to a
10 debtor.

11 "Current balance" means the charge-off balance plus any
12 legally collectible costs, expenses, and interest, less any
13 credits or payments.

14 "Debt" means money, property, or their equivalent which is
15 due or owing or alleged to be due or owing from a natural
16 person to another person.

17 "Debt buyer" means any person engaging in, or holding
18 itself out as engaging in, the business of purchasing accounts
19 for value and acquiring all rights in and ownership of a debt.

20 "Debt collection" means any act or practice in connection
21 with the collection of consumer debts.

22 "Debt collector", "collection agency", or "agency" means
23 any person who, in the ordinary course of business, regularly,
24 on behalf of himself or herself or others, engages in debt
25 collection.

26 "Debtor" means a natural person from whom a debt collector

1 seeks to collect a consumer debt that is due and owing or
2 alleged to be due and owing from such person.

3 "Department" means Division of Professional Regulation
4 within the Department of Financial and Professional
5 Regulation.

6 "Director" means the Director of the Division of
7 Professional Regulation within the Department of Financial and
8 Professional Regulation.

9 "Person" means a natural person, partnership, corporation,
10 limited liability company, trust, estate, cooperative,
11 association, or other similar entity.

12 (Source: P.A. 95-437, eff. 1-1-08.)

13 (225 ILCS 425/8.5 new)

14 Sec. 8.5. Debt buyers. A debt buyer shall be subject to all
15 of the terms, conditions, and requirements of this Act, except
16 as otherwise provided for in subsection (b) of Section 8.6 of
17 this Act.

18 (225 ILCS 425/8.6 new)

19 Sec. 8.6. Debt buyer activities.

20 (a) Debt buyers initiating actions upon an obligation
21 arising out of a consumer debt shall be commenced within the
22 applicable statute of limitations period.

23 (b) With respect to its activities as a debt buyer in
24 pursuing the collection of accounts it owns, a debt buyer shall

1 be subject to all of the terms, conditions, and requirements of
2 this Act, except that a debt buyer shall not be required to (i)
3 file and maintain in force a surety bond under Section 8 of
4 this Act; (ii) maintain a trust account under Section 8c of
5 this Act; (iii) procure written authorization to refer the
6 account to an attorney for suit under Section 8a-1 of this Act;
7 or (iv) adhere to the assignment for collection criteria under
8 Section 8b of this Act.

9 (c) The Attorney General may enforce against debt buyers
10 the provisions identified in Section 9.7 of this Act as an
11 unlawful practice under the Consumer Fraud and Deceptive
12 Business Practices Act.

13 Section 99. Effective date. This Act takes effect January
14 1, 2013."