



Rep. Robert Rita

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1 AMENDMENT TO SENATE BILL 1369

2 AMENDMENT NO. _____. Amend Senate Bill 1369 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Collection Agency Act is amended by
5 changing Sections 2, 9.1, 9.2, and 9.3 and by adding Section 60
6 as follows:

7 (225 ILCS 425/2) (from Ch. 111, par. 2002)

8 (Section scheduled to be repealed on January 1, 2026)

9 Sec. 2. Definitions. In this Act:

10 "Address of record" means the designated address recorded
11 by the Department in the applicant's or licensee's application
12 file or license file as maintained by the Department's
13 licensure maintenance unit. It is the duty of the applicant or
14 licensee to inform the Department of any change of address and
15 those changes must be made either through the Department's
16 website or by contacting the Department.

1 "Board" means the Collection Agency Licensing and
2 Disciplinary Board.

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

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

8 "Collection agency" means any person who, in the ordinary
9 course of business, regularly, on behalf of himself or herself
10 or others, engages in the collection of a debt.

11 "Consumer debt" or "consumer credit" means money or
12 property, or their equivalent, due or owing or alleged to be
13 due or owing from a natural person by reason of a consumer
14 credit transaction.

15 "Credit transaction" means a transaction between a natural
16 person and another person in which property, service, or money
17 is acquired on credit by that natural person from such other
18 person primarily for personal, family, or household purposes.

19 "Creditor" means a person who extends consumer credit to a
20 debtor.

21 "Current balance" means the charge-off balance plus any
22 legally collectible costs, expenses, and interest, less any
23 credits or payments.

24 "Debt" means money, property, or their equivalent which is
25 due or owing or alleged to be due or owing from a person to
26 another person.

1 "Debt buyer" means a person or entity that is engaged in
2 the business of purchasing delinquent or charged-off consumer
3 loans or consumer credit accounts or other delinquent consumer
4 debt for collection purposes, whether it collects the debt
5 itself or hires a third-party for collection or an
6 attorney-at-law for litigation in order to collect such debt.

7 "Debtor" means a person from whom a collection agency seeks
8 to collect a consumer or commercial debt that is due and owing
9 or alleged to be due and owing from such person.

10 "Department" means the Department of Financial and
11 Professional Regulation.

12 "Person" means a natural person, partnership, corporation,
13 limited liability company, trust, estate, cooperative,
14 association, or other similar entity.

15 "Licensed collection agency" means a person who is licensed
16 under this Act to engage in the practice of debt collection in
17 Illinois.

18 "Secretary" means the Secretary of Financial and
19 Professional Regulation.

20 (Source: P.A. 99-227, eff. 8-3-15.)

21 (225 ILCS 425/9.1)

22 (Section scheduled to be repealed on January 1, 2026)

23 Sec. 9.1. Communication with persons other than debtor. Any
24 collection agency communicating with any person other than the
25 debtor for the purpose of acquiring location information about

1 the debtor shall:

2 (1) identify himself or herself, state that he or she
3 is confirming or correcting location information
4 concerning the consumer, and, only if expressly requested,
5 identify his or her employer;

6 (2) not state that the consumer owes any debt;

7 (3) not communicate with any person more than once
8 unless requested to do so by the person or unless the
9 collection agency reasonably believes that the earlier
10 response of the person is erroneous or incomplete and that
11 the person now has correct or complete location
12 information;

13 (4) not communicate by postcard;

14 (5) not use any language or symbol on any envelope or
15 in the contents of any communication effected by mail or
16 telegram that indicates that the collection agency is in
17 the debt collection business or that the communication
18 relates to the collection of a debt; and

19 (6) not communicate with any person other than the
20 attorney after the collection agency knows the debtor is
21 represented by an attorney with regard to the subject debt
22 and has knowledge of or can readily ascertain the
23 attorney's name and address, unless the attorney fails to
24 respond within a reasonable period of time, not less than
25 30 days, to communication from the collection agency.

26 This Section applies to a collection agency or debt buyer

1 only when engaged in the collection of consumer debt.

2 (Source: P.A. 99-227, eff. 8-3-15.)

3 (225 ILCS 425/9.2)

4 (Section scheduled to be repealed on January 1, 2026)

5 Sec. 9.2. Communication in connection with debt
6 collection.

7 (a) Without the prior consent of the debtor given directly
8 to the collection agency or the express permission of a court
9 of competent jurisdiction, a collection agency may not
10 communicate with a debtor in connection with the collection of
11 any debt in any of the following circumstances:

12 (1) At any unusual time, place, or manner that is known
13 or should be known to be inconvenient to the debtor. In the
14 absence of knowledge of circumstances to the contrary, a
15 collection agency shall assume that the convenient time for
16 communicating with a debtor is after 8:00 a.m. and before
17 9:00 p.m. local time at the debtor's location.

18 (2) If the collection agency knows the debtor is
19 represented by an attorney with respect to such debt and
20 has knowledge of or can readily ascertain, the attorney's
21 name and address, unless the attorney fails to respond
22 within a reasonable period of time to a communication from
23 the collection agency or unless the attorney consents to
24 direct communication with the debtor.

25 (3) At the debtor's place of employment, if the

1 collection agency knows or has reason to know that the
2 debtor's employer prohibits the debtor from receiving such
3 communication.

4 (b) Except as provided in Section 9.1 of this Act, without
5 the prior consent of the debtor given directly to the
6 collection agency, the express permission of a court of
7 competent jurisdiction, or as reasonably necessary to
8 effectuate a post judgment judicial remedy, a collection agency
9 may not communicate, in connection with the collection of any
10 debt, with any person other than the debtor, the debtor's
11 attorney, a consumer reporting agency if otherwise permitted by
12 law, the creditor, the attorney of the creditor, or the
13 attorney of the collection agency.

14 (c) If a debtor notifies a collection agency in writing
15 that the debtor refuses to pay a debt or that the debtor wishes
16 the collection agency to cease further communication with the
17 debtor, the collection agency may not communicate further with
18 the debtor with respect to such debt, except to perform any of
19 the following tasks:

20 (1) Advise the debtor that the collection agency's
21 further efforts are being terminated.

22 (2) Notify the debtor that the collection agency or
23 creditor may invoke specified remedies that are ordinarily
24 invoked by such collection agency or creditor.

25 (3) Notify the debtor that the collection agency or
26 creditor intends to invoke a specified remedy.

1 If such notice from the debtor is made by mail,
2 notification shall be complete upon receipt.

3 (d) For the purposes of this Section, "debtor" includes the
4 debtor's spouse, parent (if the debtor is a minor), guardian,
5 executor, or administrator.

6 (e) This Section applies to a collection agency or debt
7 buyer only when engaged in the collection of consumer debt.

8 (Source: P.A. 99-227, eff. 8-3-15.)

9 (225 ILCS 425/9.3)

10 (Section scheduled to be repealed on January 1, 2026)

11 Sec. 9.3. Validation of debts.

12 (a) Within 5 days after the initial communication with a
13 debtor in connection with the collection of any debt, a
14 collection agency shall, unless the following information is
15 contained in the initial communication or the debtor has paid
16 the debt, send the debtor a written notice with each of the
17 following disclosures:

18 (1) The amount of the debt.

19 (2) The name of the creditor to whom the debt is owed.

20 (3) That, unless the debtor, within 30 days after
21 receipt of the notice, disputes the validity of the debt,
22 or any portion thereof, the debt will be assumed to be
23 valid by the collection agency.

24 (4) That, if the debtor notifies the collection agency
25 in writing within the 30-day period that the debt, or any

1 portion thereof, is disputed, the collection agency will
2 obtain verification of the debt or a copy of a judgment
3 against the debtor and a copy of the verification or
4 judgment will be mailed to the debtor by the collection
5 agency.

6 (5) That upon the debtor's written request within the
7 30-day period, the ~~The~~ collection agency will provide the
8 debtor with the name and address of the original creditor,
9 if different from the current creditor. If the disclosures
10 required under this subsection (a) are placed on the back
11 of the notice, the front of the notice shall contain a
12 statement notifying debtors of that fact.

13 (b) If the debtor notifies the collection agency in writing
14 within the 30-day period set forth in paragraph (3) of
15 subsection (a) of this Section that the debt, or any portion
16 thereof, is disputed or that the debtor requests the name and
17 address of the original creditor, the collection agency shall
18 cease collection of the debt, or any disputed portion thereof,
19 until the collection agency obtains verification of the debt or
20 a copy of a judgment or the name and address of the original
21 creditor and mails a copy of the verification or judgment or
22 name and address of the original creditor to the debtor.

23 (c) The failure of a debtor to dispute the validity of a
24 debt under this Section shall not be construed by any court as
25 an admission of liability by the debtor.

26 (d) This Section applies to a collection agency or debt

1 buyer only when engaged in the collection of consumer debt.

2 (Source: P.A. 99-227, eff. 8-3-15.)

3 (225 ILCS 425/60 new)

4 Sec. 60. Liability; federal compliance. A collection
5 agency or a debt buyer shall not be subject to civil liability
6 for its failure to comply with Section 2, 9.1, 9.2, or 9.3 of
7 this Act, as amended by Public Act 99-227, if the collection
8 agency or the debt buyer can demonstrate compliance with
9 comparable provisions of the federal Fair Debt Collection
10 Practices Act.

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.".