

Fast Facts: May 2019 Proposed Debt Collection Rule

Proposed Debt Collection Rule: Would amend Regulation F, 12 CFR Part 1006, which implements the Fair Debt Collection Practices Act (FDCPA).

Proposed effective date: One year after the final rule is published in the Federal Register.

Comments due: September 18, 2019. Detailed information on how to submit comments can be found in the proposal.

Available at: <https://www.consumerfinance.gov/policy-compliance/rulemaking/rules-under-development/debt-collection-practices-regulation-f/>

About this document: The Bureau has issued a proposal to amend Regulation F, which implements the Fair Debt Collection Practices Act (FDCPA). The proposal seeks public comment on Federal rules governing the activities of debt collectors covered by the FDCPA. Among other things, the proposal would incorporate many existing provisions of the FDCPA into Regulation F with only minor wording and organizational changes. This document generally focuses on the portions of the proposal that would substantially clarify or interpret FDCPA requirements.

Proposed coverage

Entity	Description in proposed rule	Location in proposed rule
Debt Collector	The proposed definition generally restates the FDCPA's definition of "debt collector," including the exceptions, with only minor wording and organizational changes for clarity.	1006.2(i)(1) 1006.2(i)(2)
Consumer (general)	The proposed definition generally restates the FDCPA's definition of "consumer" but interprets the term to include a deceased natural person who is obligated or allegedly obligated to pay a debt.	1006.2(e) 1006.34(a)(1) 1006.38 1006.42

Entity	Description in proposed rule	Location in proposed rule
Consumer (communications)	The proposed definition generally restates the FDCPA's definition of "consumer" for purposes of certain communications provisions but interprets the term to include a confirmed successor-in-interest and the personal representative of a deceased consumer's estate.	1006.6(a) 1006.14(h)

Proposed covered products

Product	Description in proposed rule	Location in proposed rule
Debt	The proposed definition generally restates the FDCPA's definition of "debt," with only minor wording and organizational changes for clarity.	1006.2(h)
Consumer Financial Product or Service Debt	Certain parts of the proposal apply only when a debt collector covered by the FDCPA is collecting debt related to a "consumer financial product or service" as defined in the Dodd-Frank Act.	1006.2(f) 1006.14(b)(1)(ii) 1006.30(b)(1)(ii) 1006.34(c)(2)(iv) 1006.34(c)(3)(iv)

Key conduct proposals

Topic	Proposed rule provisions	Location in proposed rule
Electronic Communications Generally	The proposal would identify safe harbor procedures for debt collectors who unintentionally communicate with an unauthorized third party about a consumer's debt when trying to communicate with the consumer by email or text message.	1006.6(d)(3)
Option to Unsubscribe	The proposal would require a debt collector to include, in emails, text messages, and other electronic communications, an option for the consumer to unsubscribe from future such communications.	1006.6(e)

Topic	Proposed rule provisions	Location in proposed rule
Communication Media Restrictions	The proposal would prohibit a debt collector from communicating or attempting to communicate with a consumer through a medium of communication that the consumer has requested the debt collector not use, such as a specific telephone number or email address.	1006.14(h)
Time and Place Restrictions for Electronic Communications	The proposal would clarify that calls to mobile telephones and electronic communications, such as texts and emails, are subject to the FDCPA's prohibition on communicating at unusual and inconvenient times and places.	1006.6(b)(1)
Use of Workplace Email Addresses	Unless an exception applies, the proposal would prohibit a debt collector from contacting a consumer using an email address that the debt collector knows or should know is provided by the consumer's employer. For example, if a debt collector knows that the consumer works at Example Mortgage Company and the email address is examplemortgagecompany.com or exmoc.com, the debt collector knows or should know the email address is provided by the consumer's employer.	1006.22(f)(3)
Social Media Platforms	The proposal would prohibit debt collectors from contacting consumers through social media platform except through a private messaging function.	1006.22(f)(4)
Limited-Content Message	The proposal would define, and provide example language for, a "Limited-Content Message" that a debt collector could send by, for example, voicemail or text. The content of a Limited-Content Message would not be considered a "communication" and, if heard or observed by a third party, it would not constitute a prohibited third-party disclosure.	1006.2(j)
Telephone Call Frequency Limits	The proposal includes a limit on the number of telephone calls a debt collector may place to a consumer about a particular debt within a seven-day period, subject to certain exceptions. The proposal would prohibit a debt collector from calling a consumer about a particular debt more than seven times within a seven-day period. The proposal would also prohibit a debt collector from engaging in more than one telephone conversation with a consumer about a particular debt within a seven-day period. A debt collector who stays within the proposed limits would not	1006.14(b)

Topic	Proposed rule provisions	Location in proposed rule
	have engaged in repeated or continuous telephone calls or conversations with intent to harass, as prohibited by the FDCPA.	
Decedent Debt	The proposal would clarify how and with whom a debt collector can communicate about a deceased consumer's debt, as well as how the requirements regarding validation notices and disputes apply after a consumer passes away.	1006.2(e) 1006.6(a) 1006.10 1006.34(a)(1) 1006.38 1006.42
Time-Barred Debt	The proposal would prohibit a debt collector from suing or threatening to sue on a debt if the debt collector knows or should know that the applicable statute of limitations has expired.	1006.26
Communicating Before Credit Reporting	The proposal would prohibit a debt collector from reporting collection items to consumer reporting agencies unless the debt collector has already communicated with the consumer, by, for example, sending a letter to the consumer.	1006.30(a)
Transfers of Debt	Unless an exception applies, the proposal would prohibit a debt collector from transferring a debt to another debt collector if the debt collector knows or should know that: the debt has been paid or settled; the debt has been discharged in bankruptcy; or an identity theft report has been filed with respect to the debt.	1006.30(b)

Key proposed disclosures

Disclosure	Proposed disclosures	Location in proposed rule
Providing Required Disclosures Electronically	The proposal generally would require a debt collector to provide required disclosures in a manner that is reasonably expected to provide actual notice and in a form that the consumer may keep and access later. A debt collector who provides the required disclosures electronically would need to comply with either the E-SIGN Act or a set of alternative procedures. The proposal also includes requirements relating to the delivery and format of required electronic disclosures. For more information on this aspect of the proposal, see the "Debt collection proposed rule	1006.42(b) 1006.42(c) 1006.42(d)

Disclosure	Proposed disclosures	Location in proposed rule
	“electronic disclosure options” flowchart on the Bureau’s website.	
Validation Notice	The proposal would require a debt collector to include in the validation notice certain information about the debt including the account number and an itemization of the debt; certain information about consumer protections, including information about the right to dispute a debt; and a consumer response form that consumers could use to take certain actions, including submitting a dispute or requesting original creditor information.	1006.34
Validation Notice Spanish-Language Disclosures	The proposal would permit a debt collector to include statements in the validation notice informing consumers how they may request the notice in Spanish, if the collector chooses to provide a Spanish-language translation.	1006.34(d)(vi)
Validation Notice Language Access	The proposal would permit a debt collector to provide a validation notice translated into any language, if the debt collector also sends an English-language validation notice in the same communication or if the debt collector previously sent an English-language validation notice.	1006.34(e)

Proposed model form

Proposed model form	Description in proposed rule	Location in proposed rule
Model Validation Notice	The proposal would permit a debt collector to comply with FDCPA section 809(a)’s and proposed 1006.34’s disclosure requirements by using Model Form B-3.	Appendix B

Additional resources

Find more implementation information and sign up for updates about debt collection rule implementation at <https://www.consumerfinance.gov/policy-compliance/rulemaking/rules-under-development/debt-collection-practices-regulation-f/>