

House Bill 3188

Sponsored by Representative RAYFIELD

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits person from engaging in business as debt buyer unless person first obtains certificate of registration from Department of Consumer and Business Services. Prescribes procedures for applying for certificate and basis on which Director of Department of Consumer and Business Services shall issue certificate.

Requires debt buyer to send certain information to debtor who requests information in writing. Requires debt buyer that brings action to collect debt to have and be able to produce information.

Provides that debt buyer or debt collector is not liable for unlawful collection practice if preponderance of evidence shows that unlawful collection practice was not intentional and resulted from bona fide error.

Exempts debt buyer from definition of "collection agency."

Becomes operative January 1, 2018.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to debt buyers; creating new provisions; amending ORS 646.639, 646.641 and 697.005; and
3 declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. (1)(a) A person may not engage in business as a debt buyer in this state**
6 **without obtaining a certificate of registration from the Department of Consumer and Busi-**
7 **ness Services.**

8 **(b) The Director of the Department of Consumer and Business Services may establish**
9 **and administer a program to certify applicants as debt buyers by means of an agreement**
10 **with the Nationwide Multistate Licensing System and may by rule conform the department's**
11 **practices and procedures to the requirements of the Nationwide Multistate Licensing Sys-**
12 **tem.**

13 **(c) The director by rule may specify a form that an applicant must use to apply for or**
14 **renew a certificate of registration and a fee that the applicant must pay to obtain the cer-**
15 **tificate of registration. The amount of the fee apportioned to each applicant may not exceed**
16 **the lesser of \$350 or the applicant's share of the aggregated costs that the department incurs**
17 **in operating a registry and issuing certificates of registration.**

18 **(2) The department shall require an applicant for a certificate of registration under this**
19 **section to submit:**

20 **(a) The applicant's name, business address, telephone number and other contact infor-**
21 **mation;**

22 **(b) The name, address, telephone number and other contact information for the**
23 **applicant's registered agent in this state; and**

24 **(c) The names, business addresses and telephone numbers for the applicant's directors,**
25 **officers, general partners or managing members, if the applicant is a corporation, limited**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 liability company, partnership, limited partnership or other business entity.

2 (3)(a) The director may investigate an applicant or the applicant's directors, officers,
 3 general partners or managing members to determine whether the applicant or the
 4 applicant's directors, officers, general partners or managing members have the financial re-
 5 sponsibility, experience, character and general fitness necessary to command the confidence
 6 of the community and to warrant the belief that the applicant will engage in business as a
 7 debt buyer honestly, fairly and efficiently and will comply with the provisions of ORS 646.639,
 8 this section and rules the director adopts under this section.

9 (b) Unless the director finds in writing that the applicant does not meet the criteria
 10 specified in paragraph (a) of this subsection or has exhibited a repeated pattern of violating
 11 ORS 646.639, this section or rules the director adopts under this section within five years
 12 before the date of the application, the director shall issue a certificate of registration. If the
 13 director finds that the applicant does not meet the criteria specified in paragraph (a) of this
 14 subsection or that the applicant has exhibited a repeated pattern of violations, the director
 15 may deny or decline to renew a certificate of registration.

16 (4)(a) If the director finds that a registrant has exhibited a repeated pattern of violating
 17 ORS 646.639, this section or rules the director adopts under this section, the director may,
 18 subject to ORS chapter 183:

19 (A) Deny, suspend, condition or revoke a certificate of registration;

20 (B) Issue an order to direct the registrant to cease and desist from the violation; or

21 (C) Forward to the Attorney General the director's findings, determination and any sup-
 22 porting documentation or evidence of a repeated pattern of violations.

23 (b) The director may recover costs the director incurs in carrying out this subsection if
 24 the director prevails in an administrative proceeding under this subsection.

25 (5)(a) In addition to requiring a debt buyer to obtain a certificate of registration under
 26 this section, the director by rule may require a debt buyer that operates in this state to
 27 obtain a certification from a national nonprofit trade association that the director identifies
 28 as maintaining industry-recognized standards for properly managing purchased debt, if the
 29 director by rule also accepts the body of standards that the national nonprofit trade associ-
 30 ation uses to certify debt buyers as standards for governing the operations of debt buyers
 31 in this state. In determining whether to accept the national nonprofit trade association's
 32 body of standards, the director shall evaluate the body of standards that is in effect on the
 33 operative date specified in section 6 of this 2017 Act if the standards in effect on the opera-
 34 tive date are more stringent in governing the operations of debt buyers than previous bodies
 35 of standards.

36 (b) The director by rule may adopt standards that are equivalent to the body of standards
 37 described in paragraph (a) of this subsection for registrants that do not participate in the
 38 certification program of the national nonprofit trade association that the director identifies
 39 under paragraph (a) of this subsection.

40 (c) If the director does not require a debt buyer to obtain a certificate in accordance with
 41 paragraph (a) of this subsection, the director may not adopt standards under paragraph (b)
 42 of this subsection.

43 (6) The director may adopt rules that are necessary to implement and administer this
 44 section.

45 **SECTION 2.** ORS 646.639 is amended to read:

1 646.639. (1) As used in [subsection (2) of] this section, **ORS 646.641 and section 1 of this 2017**

2 **Act:**

3 **(a) “Charged-off debt” means debt that a creditor has decided to treat as a loss or ex-**
 4 **pende.**

5 [(a)] **(b) “Consumer” means a natural person who purchases or acquires property, services or**
 6 **credit for personal, family or household purposes.**

7 [(b)] **(c) “Consumer transaction” means a transaction between a consumer and a person who**
 8 **sells, leases or provides property, services or credit to consumers.**

9 [(c)] *“Commercial creditor” means a person who in the ordinary course of business engages in*
 10 *consumer transactions.]*

11 [(d)] *“Credit” means the right granted by a creditor to a consumer to defer payment of a debt, to*
 12 *incur a debt and defer its payment, or to purchase or acquire property or services and defer payment*
 13 *therefor.]*

14 **(d) “Credit” means a right that a creditor grants to a consumer to defer payment of a**
 15 **debt, to incur a debt and defer payment of the debt or to purchase and acquire property or**
 16 **services and defer payment for the property or services.**

17 (e) “Debt” means any obligation or alleged obligation arising out of a consumer transaction.

18 [(f)] *“Debtor” means a consumer who owes or allegedly owes an obligation arising out of a con-*
 19 *sumer transaction.]*

20 [(g)] *“Debt collector” means any person who by any direct or indirect action, conduct or practice,*
 21 *enforces or attempts to enforce an obligation that is owed or due to any commercial creditor, or alleged*
 22 *to be owed or due to any commercial creditor, by a consumer as a result of a consumer transaction.]*

23 **(f)(A) “Debt buyer” means a person that engages in the business of purchasing charged-**
 24 **off debt for the purpose of collecting the charged-off debt, whether the person collects the**
 25 **charged-off debt directly, employs or contracts with another person to collect the charged-off**
 26 **debt or retains an attorney to bring an action to collect the charged-off debt.**

27 **(B) “Debt buyer” does not include a mortgage banker, as defined in ORS 86A.100, a**
 28 **licensee, as defined in ORS 725.010, or a financial institution, as defined in ORS 706.008.**

29 **(g) “Debt collector” means a person that by direct or indirect action, conduct or practice**
 30 **collects or attempts to collect a debt that is owed or alleged to be owed to a creditor.**

31 **(h) “Debtor” means a consumer who owes or allegedly owes a debt.**

32 **(i) “Nationwide Multistate Licensing System” means a system that the Conference of**
 33 **State Bank Supervisors and the American Association of Residential Mortgage Regulators,**
 34 **or successors or assignees of the Conference of State Bank Supervisors or the American**
 35 **Association of Residential Mortgage Regulators, develop and maintain for participating state**
 36 **agencies to use in licensing and registering mortgage loan originators and other persons that**
 37 **provide nondepository financial services.**

38 [(h)] **(j) “Person” means an individual, corporation, trust, partnership, incorporated or**
 39 **unincorporated association or any other legal entity.**

40 **(k) “Registrant” means a person that obtains or renews a certificate of registration un-**
 41 **der section 1 of this 2017 Act from the Department of Consumer and Business Services.**

42 [(2)] *It shall be an unlawful collection practice for a debt collector, while collecting or attempting*
 43 *to collect a debt to do any of the following:]*

44 **(2) A debt collector may not, while collecting or attempting to collect a debt and com-**
 45 **municating with a debtor or a person the debt collector believes is a debtor:**

1 (a) Use or threaten *[the]* to use *[of]* force or violence to cause physical harm to a debtor or to
 2 the debtor's family or property.

3 (b) Threaten arrest or criminal prosecution.

4 *[(c) Threaten the seizure, attachment or sale of a debtor's property when such action can only be*
 5 *taken pursuant to court order without disclosing that prior court proceedings are required.]*

6 (c) **Threaten to seize, attach or sell a debtor's property if the seizure, attachment or sale**
 7 **requires a court order and the debt collector does not disclose that seizing, attaching or**
 8 **selling the debtor's property requires prior court proceedings.**

9 (d) Use profane, obscene or abusive language in communicating with a debtor or **any member**
 10 **of** the debtor's family.

11 (e) *[Communicate with]* **Contact** the debtor or any member of the debtor's family repeatedly or
 12 continuously or at times known to be inconvenient to *[that person]* **the debtor or any member of**
 13 **the debtor's family** with intent to harass or annoy the debtor or any member of the debtor's family.

14 *[(f) Communicate or threaten to communicate with a debtor's employer concerning the nature or*
 15 *existence of the debt.]*

16 *[(g) Communicate without the debtor's permission or threaten to communicate with the debtor at the*
 17 *debtor's place of employment if the place is other than the debtor's residence, except that the debt col-*
 18 *lector may:]*

19 (f) **Contact or threaten to contact the debtor's employer concerning the nature or exist-**
 20 **ence of the debt.**

21 (g) **Contact or threaten to contact the debtor at the debtor's place of employment with-**
 22 **out the debtor's permission if the place of employment is other than the debtor's residence,**
 23 **except that the debt collector may:**

24 (A) Write to the debtor at the debtor's place of employment if *[no]* a home address is **not** rea-
 25 sonably available and if the envelope does not reveal that the communication is from a debt col-
 26 lector other than a provider of the goods, services or credit from which the debt arose.

27 (B) Telephone a debtor's place of employment without informing any other person of the nature
 28 of the call or identifying the caller as a debt collector but only if the debt collector in good faith
 29 has made an unsuccessful attempt to telephone the debtor at the debtor's residence during the day
 30 or during the evening between the hours of 6 p.m. and 9 p.m. The debt collector may not contact
 31 the debtor at the debtor's place of employment more frequently than once each business week and
 32 may not telephone the debtor at the debtor's place of employment if the debtor notifies the debt
 33 collector not to telephone at the debtor's place of employment or if the debt collector knows or has
 34 reason to know that the debtor's employer prohibits the debtor from receiving such communication.
 35 For the purposes of this subparagraph, any language in any **agreement, contract or** instrument
 36 *[creating]* **that creates or is evidence of** the debt *[which]* **and that** purports to authorize telephone
 37 calls at the debtor's place of employment *[shall not be considered as giving]* **does not give** permis-
 38 sion to the debt collector to call the debtor at the debtor's place of employment.

39 (h) *[Communicate with the debtor in writing]* **Write to the debtor** without clearly identifying the
 40 name of the debt collector, the name of the person, if any, for whom the debt collector is attempting
 41 to collect the debt and the debt collector's business address, on all initial *[communications]* **written**
 42 **material.** In subsequent communications involving multiple accounts, the debt collector may elimi-
 43 nate the name of the person, if any, for whom the debt collector is attempting to collect the debt,
 44 and **may substitute** the term "various" *[may be substituted in its place]* **in place of the person's**
 45 **name.**

1 *[(i) Communicate with the debtor orally without disclosing to the debtor within 30 seconds the name*
 2 *of the individual making the contact and the true purpose thereof.]*

3 *[(j) Cause any expense to the debtor in the form of long distance telephone calls, telegram fees or*
 4 *other charges incurred by a medium of communication, by concealing the true purpose of the debt*
 5 *collector’s communication.]*

6 *[(k) Attempt to or threaten to enforce a right or remedy with knowledge or reason to know that the*
 7 *right or remedy does not exist, or threaten to take any action which the debt collector in the regular*
 8 *course of business does not take.]*

9 *[(L) Use any form of communication which simulates legal or judicial process or which gives the*
 10 *appearance of being authorized, issued or approved by a governmental agency, governmental official*
 11 *or an attorney at law when it is not in fact so approved or authorized.]*

12 **(i) Conduct an oral conversation with the debtor without disclosing within the first 30**
 13 **seconds after beginning the conversation the name of the individual who initiated the con-**
 14 **versation and the true purpose of the conversation.**

15 **(j) Conceal the true purpose of a communication so as to cause any expense to the debtor**
 16 **in the form of charges the debtor might incur in using a medium of communication.**

17 **(k) Attempt or threaten to enforce a right or remedy that the debt collector knows or**
 18 **has reason to know does not exist or threaten to take an action that the debt collector does**
 19 **not take in the regular course of business.**

20 **(L) Simulate legal or judicial process in or use a form of communication that appears to**
 21 **be authorized, issued or approved by a governmental agency, governmental official or an at-**
 22 **torney at law if a governmental agency, governmental official or attorney at law has not in**
 23 **fact authorized or approved the communication.**

24 (m) Represent that an existing debt may be increased by the addition of attorney fees, investi-
 25 gation fees or any other fees or charges *[when such]* **if the** fees or charges may not legally be added
 26 to the existing debt.

27 *[(n) Collect or attempt to collect any interest or any other charges or fees in excess of the actual*
 28 *debt unless they are expressly authorized by the agreement creating the debt or expressly allowed by*
 29 *law.]*

30 *[(o) Threaten to assign or sell the debtor’s account with an attending misrepresentation or impli-*
 31 *cation that the debtor would lose any defense to the debt or would be subjected to harsh, vindictive or*
 32 *abusive collection tactics.]*

33 **(n) Collect or attempt to collect interest, charges or fees that exceed the actual debt,**
 34 **unless the agreement, contract or instrument that creates or is evidence of the debt ex-**
 35 **pressly authorizes, or a law expressly allows, the interest, charges or fees.**

36 **(o) Threaten to assign or sell the debtor’s account and misrepresent or imply that the**
 37 **debtor will lose any defense to the debt or be subjected to harsh, vindictive or abusive col-**
 38 **lection tactics.**

39 (p) Use the seal or letterhead of a public official or a public agency, as those terms are defined
 40 in ORS 171.725.

41 (3) *[It shall be an unlawful collection practice for]* A debt collector **or debt buyer**, by use of any
 42 direct or indirect action, conduct or practice, *[to]* **may not** enforce or attempt to enforce an obli-
 43 gation *[made]* **that is** void and unenforceable *[by the provisions of]* **under** ORS 759.720 (3) to (5).

44 **(4) A debt buyer that collects or attempts to collect a debt shall respond to a debtor’s**
 45 **written request for information concerning the debt by sending to the debtor:**

1 (a) The name of the original creditor and each person that has owned the debt since the
2 debt became charged-off debt, along with the dates of each sale or transfer of the debt;

3 (b) The account number by which the original creditor identified the charged-off debt;

4 (c) An itemization of the debt that shows:

5 (A) The total amount of the debt that was due when the debt became charged-off debt;

6 (B) The total amount of interest that has accrued since the debt became charged-off
7 debt;

8 (C) The total amount of fees or charges other than interest that have accrued since the
9 debt became charged-off debt; and

10 (D) The total amount of payments the debtor made on the charged-off debt;

11 (d) The date of the debtor's last payment; and

12 (e) A copy of the agreement, contract or instrument that created or is evidence of the
13 debt and the debtor's liability for the debt or, if a contract or agreement does not exist or
14 if the charged-off debt was a revolving credit account, a statement that indicates in writing
15 that the debt is charged-off debt or the most recent monthly statement that records a pur-
16 chase transaction, a payment or a balance transfer.

17 (5)(a) A debt buyer may not bring a cause of action to collect or attempt to collect a debt
18 unless the debt buyer has and can produce:

19 (A) The material set forth in subsection (4) of this section; and

20 (B) Documentation that shows that the debt buyer owns the debt that is the subject of
21 the action.

22 (b) A debt buyer need not provide the documentation described in paragraph (a)(B) of this
23 subsection if the debt buyer brings an action on behalf of the original creditor at the time
24 the debt became charged-off debt.

25 **SECTION 3.** ORS 646.641 is amended to read:

26 646.641. (1) Any person injured as a result of willful use or employment by another person of
27 [*an unlawful*] a collection practice **that is unlawful under ORS 646.639 or as a result of a vio-**
28 **lation of section 1 of this 2017 Act** may bring an action in an appropriate court to enjoin the
29 practice or to recover actual damages or \$200, whichever is greater. The court or the jury may
30 award punitive damages, and the court may provide such equitable relief as [*it*] **the court** deems
31 necessary or proper.

32 (2) In any action brought by a person under this section, the court may award reasonable at-
33 torney fees to the prevailing party.

34 (3) Actions brought under this section [*shall*] **must** be commenced within one year [*from*] **after**
35 the date of the injury.

36 (4) **A debt collector or debt buyer is not liable in an action under this section if a pre-**
37 **ponderance of evidence shows that the debt collector's or debt buyer's violation of ORS**
38 **646.639 or section 1 of this 2017 Act was not intentional and resulted from a bona fide error**
39 **notwithstanding the maintenance of procedures reasonably adapted to avoid the error.**

40 (5) **A recovery in an action under the federal Fair Debt Collection Practices Act, 15 U.S.C.**
41 **1692 et seq., precludes a recovery under this section for the same act or practice.**

42 **SECTION 4.** ORS 697.005 is amended to read:

43 697.005. As used in ORS 697.005 to 697.095:

44 (1)(a) "Collection agency" means:

45 (A) A person directly or indirectly engaged in soliciting a claim for collection, or collecting or

1 attempting to collect a claim that is owed, due or asserted to be owed or due to another person or
 2 to a public body at the time the person solicits, collects or attempts to collect the claim;

3 (B) A person that directly or indirectly furnishes, attempts to furnish, sells or offers to sell forms
 4 represented to be a collection system even if the forms direct the debtor to make payment to the
 5 creditor and even if the forms may be or are actually used by the creditor in the creditor's own
 6 name;

7 (C) A person that, in attempting to collect or in collecting the person's own claim, uses a ficti-
 8 tious name or any name other than the person's own that indicates to the debtor that a third person
 9 is collecting or attempting to collect the claim;

10 (D) A person in the business of engaging in the solicitation of the right to repossess or in re-
 11 possessing collateral security due or asserted to be due to another person; or

12 (E) A person that, in the collection of claims from another person:

13 (i) Uses any name other than the name regularly used in the conduct of the business out of
 14 which the claim arose; and

15 (ii) Engages in any action or conduct that tends to convey the impression that a third party has
 16 been employed or engaged to collect the claim.

17 (b) "Collection agency" does not include:

18 (A) An individual engaged in soliciting claims for collection, or collecting or attempting to col-
 19 lect claims on behalf of a registrant under ORS 697.005 to 697.095, if the individual is an employee
 20 of the registrant.

21 (B) An individual collecting or attempting to collect claims for not more than three employers,
 22 if the individual carries on all collection efforts in the name of the employer and the individual is
 23 an employee of the employer.

24 (C) A person that prepares or mails monthly or periodic statements of accounts due on behalf
 25 of another person if all payments are made to the other person and the person that prepares the
 26 statements of accounts does not make other collection efforts.

27 (D) An attorney-at-law rendering services in the performance of the duties of an attorney-at-law.

28 (E) A licensed certified public accountant or public accountant rendering services in the per-
 29 formance of the duties of a licensed certified public accountant or public accountant.

30 (F) A bank, mutual savings bank, consumer finance company, trust company, savings and loan
 31 association, credit union or debt consolidation agency.

32 (G) A principal real estate broker licensed under ORS 696.020, as to any collection or billing
 33 activity that involves a real estate closing escrow, as defined in ORS 696.505.

34 (H) An escrow agent licensed under ORS 696.511, with respect to the escrow agent's:

35 (i) Collection or billing activities involved in closing an escrow, as defined in ORS 696.505, or
 36 related to a collection escrow, as defined in ORS 696.505; or

37 (ii) Service as a trustee of a trust deed in accordance with ORS 86.713.

38 (I) An individual regularly employed as a credit person or in a similar capacity by one person,
 39 firm or corporation that is not a collection agency as defined in this section.

40 (J) A public officer or a person acting under order of a court.

41 (K) A person acting as a property manager in collecting or billing for rent, fees, deposits or
 42 other sums due landlords of managed units.

43 (L) A person that is providing billing services. A person is providing billing services for the
 44 purposes of this subparagraph if the person engages, directly or indirectly, in the business or pursuit
 45 of collection of claims for another person, whether in the other person's name or any other name,

1 by any means that:

2 (i) Is an accounting procedure, preparation of mail billing or any other means intended to ac-
3 celerate cash flow to the other person's bank account or to any separate trust account; and

4 (ii) Does not include any personal contact or contact by telephone with the person from whom
5 the claim is sought to be collected.

6 (M) A person that is providing factoring services. A person is providing factoring services for
7 the purposes of this subparagraph if the person engages, directly or indirectly, in the business or
8 pursuit of:

9 (i) Lending or advancing money to commercial clients on the security of merchandise or ac-
10 counts receivable and then enforcing collection actions or procedures on such accounts; or

11 (ii) Soliciting or collecting on accounts that have been purchased from commercial clients under
12 an agreement whether or not the agreement:

13 (I) Allows recourse against the commercial client;

14 (II) Requires the commercial client to provide any form of guarantee of payment of the pur-
15 chased account; or

16 (III) Requires the commercial client to establish or maintain a reserve account in any form.

17 (N) An individual employed by another person that operates as a collection agency if the person
18 does not operate as a collection agency independent of that employment.

19 (O) A mortgage banker as defined in ORS 86A.100.

20 (P) A public utility, as defined in ORS 757.005, a telecommunications utility, as defined in ORS
21 759.005, a people's utility district, as defined in ORS 261.010, and a cooperative corporation engaged
22 in furnishing electric or communication service to consumers.

23 (Q) A public body or an individual collecting or attempting to collect claims owed, due or as-
24 serted to be owed or due to a public body, if the individual is an employee of the public body.

25 (R) A person that receives an assignment of debt in any form without an obligation to pay the
26 assignor any of the proceeds resulting from a collection of all or a portion of the debt.

27 (S) A person for whom the Director of the Department of Consumer and Business Services de-
28 termines by order or by rule that the protection of the public health, safety and welfare does not
29 require registration with the department as a collection agency.

30 **(T) A debt buyer, as defined in ORS 646.639.**

31 (2) "Collection system" means a scheme intended or calculated to be used to collect claims sent,
32 prepared or delivered by:

33 (a) A person who in collecting or attempting to collect the person's own claim uses a fictitious
34 name or any name other than the person's own that indicates to the debtor that a third person is
35 collecting or attempting to collect the claim; or

36 (b) A person directly or indirectly engaged in soliciting claims for collection, or collecting or
37 attempting to collect claims owed or due or asserted to be owed or due another person.

38 (3) "Claim" means an obligation for the payment of money or thing of value arising out of an
39 agreement or contract, express or implied.

40 (4) "Client" or "customer" means a person authorizing or employing a collection agency to col-
41 lect a claim.

42 (5) "Debtor" means a person owing or alleged to owe a claim.

43 (6) "Debts incurred outside this state" means an action or proceeding that:

44 (a) Arises out of a promise, made anywhere to the plaintiff or a third party for the plaintiff's
45 benefit, by the defendant to perform services outside of this state or to pay for services to be per-

1 formed outside of this state by the plaintiff;

2 (b) Arises out of services actually performed for the plaintiff by the defendant outside of this
 3 state or services actually performed for the defendant by the plaintiff outside of this state, if the
 4 performance outside of this state was authorized or ratified by the defendant;

5 (c) Arises out of a promise, made anywhere to the plaintiff or a third party for the plaintiff's
 6 benefit, by the defendant to deliver or receive outside of this state or to send from outside of this
 7 state goods, documents of title or other things of value;

8 (d) Relates to goods, documents of title or other things of value sent from outside of this state
 9 by the defendant to the plaintiff or a third person on the plaintiff's order or direction;

10 (e) Relates to goods, documents of title or other things of value actually received outside of this
 11 state by the plaintiff from the defendant or by the defendant from the plaintiff, without regard to
 12 where delivery to carrier occurred; or

13 (f) Where jurisdiction at the time the debt was incurred was outside of this state.

14 (7) "Out-of-state collection agency" means a collection agency located outside of this state
 15 whose activities within this state are limited to collecting debts incurred outside of this state from
 16 debtors located in this state. As used in this subsection, "collecting debts" means collecting by
 17 means of interstate communications, including telephone, mail or facsimile transmission from the
 18 collection agency location in another state on behalf of clients located outside of this state.

19 (8) "Person" means an individual, firm, partnership, trust, joint venture, association, limited li-
 20 ability company or corporation.

21 (9) "Public body" means:

22 (a) The state and any branch, department, agency, board or commission of the state;

23 (b) A city, county, district or other political subdivision or municipal or public corporation or
 24 an instrumentality thereof; and

25 (c) An intergovernmental agency, department, council, joint board of control created under ORS
 26 190.125 or other like entity that is created under ORS 190.003 to 190.130 and that does not act under
 27 the direction and control of any single member government.

28 (10) "Registered" or "registrant" means a person registered under ORS 697.005 to 697.095 or
 29 registered or licensed as a collection agency under the laws of another state.

30 (11) "Statement of account" means a report setting forth amounts billed, invoices, credits al-
 31 lowed or aged balance due.

32 **SECTION 5. Section 1 of this 2017 Act and the amendments to ORS 646.639, 646.641 and**
 33 **697.005 by sections 2 to 4 of this 2017 Act apply to collections or attempts to collect a debt,**
 34 **including actions to collect a debt, that occur on or after the operative date specified in**
 35 **section 6 of this 2017 Act.**

36 **SECTION 6. (1) Section 1 of this 2017 Act and the amendments to ORS 646.639, 646.641**
 37 **and 697.005 by sections 2 to 4 of this 2017 Act become operative on January 1, 2018.**

38 **(2) The Director of the Department of Consumer and Business Services may adopt rules**
 39 **and take any other action before the operative date specified in subsection (1) of this section**
 40 **that is necessary to enable the director, on and after the operative date specified in sub-**
 41 **section (1) of this section, to exercise all of the duties, functions and powers conferred on**
 42 **the director by section 1 of this 2017 Act and the amendments to ORS 646.639, 646.641 and**
 43 **697.005 by sections 2 to 4 of this 2017 Act.**

44 **SECTION 7. This 2017 Act being necessary for the immediate preservation of the public**
 45 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**

1 **on its passage.**

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