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SENATE BILL 6118

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State of Washington

66th Legislature

2020 Regular Session

By Senators Mullet, Cleveland, Wilson, L., and Rivers

Prefiled 12/27/19.

1 AN ACT Relating to collection agency transaction fees for  
2 processing electronic payments; amending RCW 19.16.100; and  
3 reenacting and amending RCW 19.16.250.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 19.16.100 and 2019 c 227 s 3 are each amended to  
6 read as follows:

7 ~~((Unless a different meaning is plainly required by the context,~~  
8 ~~the following words and phrases as hereinafter used in this chapter~~  
9 ~~shall have the following meanings:)) The definitions in this section  
10 apply throughout this chapter unless the context clearly requires  
11 otherwise.~~

12 (1) "Board" means the Washington state collection agency board.

13 (2) "Claim" means any obligation for the payment of money or  
14 thing of value arising out of any agreement or contract, express or  
15 implied.

16 (3) "Client" or "customer" means any person authorizing or  
17 employing a collection agency to collect a claim.

18 (4) "Collection agency" means and includes:

19 (a) Any person directly or indirectly engaged in soliciting  
20 claims for collection, or collecting or attempting to collect claims  
21 owed or due or asserted to be owed or due another person;

1 (b) Any person who directly or indirectly furnishes or attempts  
2 to furnish, sells, or offers to sell forms represented to be a  
3 collection system or scheme intended or calculated to be used to  
4 collect claims even though the forms direct the debtor to make  
5 payment to the creditor and even though the forms may be or are  
6 actually used by the creditor himself or herself in his or her own  
7 name;

8 (c) Any person who in attempting to collect or in collecting his  
9 or her own claim uses a fictitious name or any name other than his or  
10 her own which would indicate to the debtor that a third person is  
11 collecting or attempting to collect such claim;

12 (d) Any person or entity that is engaged in the business of  
13 purchasing delinquent or charged off claims for collection purposes,  
14 whether it collects the claims itself or hires a third party for  
15 collection or an attorney for litigation in order to collect such  
16 claims;

17 (e) Any person or entity attempting to enforce a lien under  
18 chapter 60.44 RCW, other than the person or entity originally  
19 entitled to the lien.

20 (5) "Collection agency" does not mean and does not include:

21 (a) Any individual engaged in soliciting claims for collection,  
22 or collecting or attempting to collect claims on behalf of a licensee  
23 under this chapter, if said individual is an employee of the  
24 licensee;

25 (b) Any individual collecting or attempting to collect claims for  
26 not more than one employer, if all the collection efforts are carried  
27 on in the name of the employer and if the individual is an employee  
28 of the employer;

29 (c) Any person whose collection activities are carried on in his,  
30 her, or its true name and are confined and are directly related to  
31 the operation of a business other than that of a collection agency,  
32 such as but not limited to: Trust companies; savings and loan  
33 associations; building and loan associations; abstract companies  
34 doing an escrow business; real estate brokers; property management  
35 companies collecting assessments, charges, or fines on behalf of  
36 condominium unit owners associations, associations of apartment  
37 owners, or homeowners' associations; public officers acting in their  
38 official capacities; persons acting under court order; lawyers;  
39 insurance companies; credit unions; loan or finance companies;  
40 mortgage banks; and banks;

1 (d) Any person who on behalf of another person prepares or mails  
2 monthly or periodic statements of accounts due if all payments are  
3 made to that other person and no other collection efforts are made by  
4 the person preparing the statements of account;

5 (e) An "out-of-state collection agency" as defined in this  
6 chapter; or

7 (f) Any person while acting as a debt collector for another  
8 person, both of whom are related by common ownership or affiliated by  
9 corporate control, if the person acting as a debt collector does so  
10 only for persons to whom it is so related or affiliated and if the  
11 principal business of the person is not the collection of debts.

12 (6) "Commercial claim" means any obligation for payment of money  
13 or thing of value arising out of any agreement or contract, express  
14 or implied, where the transaction which is the subject of the  
15 agreement or contract is not primarily for personal, family, or  
16 household purposes.

17 (7) "Debtor" means any person owing or alleged to owe a claim.

18 (8) "Director" means the director of licensing.

19 (9) "Licensee" means any person licensed under this chapter.

20 (10) "Medical debt" means any obligation for the payment of money  
21 arising out of any agreement or contract, express or implied, for the  
22 provision of health care services as defined in RCW 48.44.010. In the  
23 context of "medical debt," "charity care" has the same meaning as  
24 provided in RCW 70.170.020.

25 (11) "Out-of-state collection agency" means a person whose  
26 activities within this state are limited to collecting debts from  
27 debtors located in this state by means of interstate communications,  
28 including telephone, mail, or facsimile transmission, from the  
29 person's location in another state on behalf of clients located  
30 outside of this state, but does not include any person who is  
31 excluded from the definition of the term "debt collector" under the  
32 federal fair debt collection practices act (15 U.S.C. Sec. 1692a(6)).

33 (12) "Person" includes individual, firm, partnership, trust,  
34 joint venture, association, or corporation.

35 (13) "Statement of account" means a report setting forth only  
36 amounts billed, invoices, credits allowed, or aged balance due.

37 (14) "Credit card payment" means any payment made by a payment  
38 card that incurs an interchange fee to the collection agency,  
39 regardless of the type of payment card used.

1       **Sec. 2.** RCW 19.16.250 and 2019 c 227 s 4 and 2019 c 201 s 2 are  
2 each reenacted and amended to read as follows:

3       No licensee or employee of a licensee shall:

4       (1) Directly or indirectly aid or abet any unlicensed person to  
5 engage in business as a collection agency in this state or receive  
6 compensation from such unlicensed person: PROVIDED, That nothing in  
7 this chapter shall prevent a licensee from accepting, as forwarder,  
8 claims for collection from a collection agency or attorney whose  
9 place of business is outside the state.

10       (2) Collect or attempt to collect a claim by the use of any means  
11 contrary to the postal laws and regulations of the United States  
12 postal department.

13       (3) Publish or post or cause to be published or posted, any list  
14 of debtors commonly known as "bad debt lists" or threaten to do so.  
15 For purposes of this chapter, a "bad debt list" means any list of  
16 natural persons alleged to fail to honor their lawful debts. However,  
17 nothing herein shall be construed to prohibit a licensee from  
18 communicating to its customers or clients by means of a coded list,  
19 the existence of a check dishonored because of insufficient funds,  
20 not sufficient funds or closed account by the financial institution  
21 servicing the debtor's checking account: PROVIDED, That the debtor's  
22 identity is not readily apparent: PROVIDED FURTHER, That the licensee  
23 complies with the requirements of subsection (10)(e) of this section.

24       (4) Have in his or her possession or make use of any badge, use a  
25 uniform of any law enforcement agency or any simulation thereof, or  
26 make any statements which might be construed as indicating an  
27 official connection with any federal, state, county, or city law  
28 enforcement agency, or any other governmental agency, while engaged  
29 in collection agency business.

30       (5) Perform any act or acts, either directly or indirectly,  
31 constituting the unauthorized practice of law.

32       (6) Advertise for sale or threaten to advertise for sale any  
33 claim as a means of endeavoring to enforce payment thereof or  
34 agreeing to do so for the purpose of soliciting claims, except where  
35 the licensee has acquired claims as an assignee for the benefit of  
36 creditors or where the licensee is acting under court order.

37       (7) Use any name while engaged in the making of a demand for any  
38 claim other than the name set forth on his or her or its current  
39 license issued hereunder.

1 (8) Give or send to any debtor or cause to be given or sent to  
2 any debtor, any notice, letter, message, or form, other than through  
3 proper legal action, process, or proceedings, which represents or  
4 implies that a claim exists unless it shall indicate in clear and  
5 legible type:

6 (a) The name of the licensee and the city, street, and number at  
7 which he or she is licensed to do business;

8 (b) The name of the original creditor to whom the debtor owed the  
9 claim if such name is known to the licensee or employee: PROVIDED,  
10 That upon written request of the debtor, the licensee shall provide  
11 this name to the debtor or cease efforts to collect on the debt until  
12 this information is provided;

13 (c) If the notice, letter, message, or form is the first notice  
14 to the debtor or if the licensee is attempting to collect a different  
15 amount than indicated in his or her or its first notice to the  
16 debtor, an itemization of the claim asserted must be made including:

17 (i) Amount owing on the original obligation at the time it was  
18 received by the licensee for collection or by assignment;

19 (ii) Interest or service charge, collection costs, or late  
20 payment charges, if any, added to the original obligation by the  
21 original creditor, customer or assignor before it was received by the  
22 licensee for collection, if such information is known by the licensee  
23 or employee: PROVIDED, That upon written request of the debtor, the  
24 licensee shall make a reasonable effort to obtain information on such  
25 items and provide this information to the debtor;

26 (iii) Interest or service charge, if any, added by the licensee  
27 or customer or assignor after the obligation was received by the  
28 licensee for collection;

29 (iv) Collection costs, if any, that the licensee is attempting to  
30 collect;

31 (v) Attorneys' fees, if any, that the licensee is attempting to  
32 collect on his or her or its behalf or on the behalf of a customer or  
33 assignor; and

34 (vi) Any other charge or fee that the licensee is attempting to  
35 collect on his or her or its own behalf or on the behalf of a  
36 customer or assignor;

37 (d) If the notice, letter, message, or form concerns a judgment  
38 obtained against the debtor, no itemization of the amounts contained  
39 in the judgment is required, except postjudgment interest, if  
40 claimed, and the current account balance;

1 (e) If the notice, letter, message, or form is the first notice  
2 to the debtor, an itemization of the claim asserted must be made  
3 including the following information:

4 (i) The original account number or redacted original account  
5 number assigned to the debt, if known to the licensee or employee:  
6 PROVIDED, That upon written request of the debtor, the licensee must  
7 make a reasonable effort to obtain this information or cease efforts  
8 to collect on the debt until this information is provided; and

9 (ii) The date of the last payment to the creditor on the subject  
10 debt by the debtor, if known to the licensee or employee: PROVIDED,  
11 That upon written request of the debtor, the licensee must make a  
12 reasonable effort to obtain this information or cease efforts to  
13 collect on the debt until this information is provided.

14 (9) Communicate in writing with a debtor concerning a claim  
15 through a proper legal action, process, or proceeding, where such  
16 communication is the first written communication with the debtor,  
17 without providing the information set forth in subsection (8)(c) of  
18 this section in the written communication.

19 (10) Communicate or threaten to communicate, the existence of a  
20 claim to a person other than one who might be reasonably expected to  
21 be liable on the claim in any manner other than through proper legal  
22 action, process, or proceedings except under the following  
23 conditions:

24 (a) Except as provided in subsection (28)(c) of this section, a  
25 licensee or employee of a licensee may inform a credit reporting  
26 bureau of the existence of a claim. If the licensee or employee of a  
27 licensee reports a claim to a credit reporting bureau, the licensee  
28 shall, upon receipt of written notice from the debtor that any part  
29 of the claim is disputed, notify the credit reporting bureau of the  
30 dispute by written or electronic means and create a record of the  
31 fact of the notification and when the notification was provided;

32 (b) A licensee or employee in collecting or attempting to collect  
33 a claim may communicate the existence of a claim to a debtor's  
34 employer if the claim has been reduced to a judgment;

35 (c) A licensee or employee in collecting or attempting to collect  
36 a claim that has not been reduced to judgment, may communicate the  
37 existence of a claim to a debtor's employer if:

38 (i) The licensee or employee has notified or attempted to notify  
39 the debtor in writing at his or her last known address or place of  
40 employment concerning the claim and the debtor after a reasonable

1 time has failed to pay the claim or has failed to agree to make  
2 payments on the claim in a manner acceptable to the licensee, and

3 (ii) The debtor has not in writing to the licensee disputed any  
4 part of the claim: PROVIDED, That the licensee or employee may only  
5 communicate the existence of a claim which has not been reduced to  
6 judgment to the debtor's employer once unless the debtor's employer  
7 has agreed to additional communications.

8 (d) A licensee may for the purpose of locating the debtor or  
9 locating assets of the debtor communicate the existence of a claim to  
10 any person who might reasonably be expected to have knowledge of the  
11 whereabouts of a debtor or the location of assets of the debtor if  
12 the claim is reduced to judgment, or if not reduced to judgment,  
13 when:

14 (i) The licensee or employee has notified or attempted to notify  
15 the debtor in writing at his or her last known address or last known  
16 place of employment concerning the claim and the debtor after a  
17 reasonable time has failed to pay the claim or has failed to agree to  
18 make payments on the claim in a manner acceptable to the licensee,  
19 and

20 (ii) The debtor has not in writing disputed any part of the  
21 claim.

22 (e) A licensee may communicate the existence of a claim to its  
23 customers or clients if the claim is reduced to judgment, or if not  
24 reduced to judgment, when:

25 (i) The licensee has notified or attempted to notify the debtor  
26 in writing at his or her last known address or last known place of  
27 employment concerning the claim and the debtor after a reasonable  
28 time has failed to pay the claim or has failed to agree to make  
29 payments on the claim in a manner acceptable to the licensee, and

30 (ii) The debtor has not in writing disputed any part of the  
31 claim.

32 (11) Threaten the debtor with impairment of his or her credit  
33 rating if a claim is not paid: PROVIDED, That advising a debtor that  
34 the licensee has reported or intends to report a claim to a credit  
35 reporting agency is not considered a threat if the licensee actually  
36 has reported or intends to report the claim to a credit reporting  
37 agency.

38 (12) Communicate with the debtor after notification in writing  
39 from an attorney representing such debtor that all further  
40 communications relative to a claim should be addressed to the

1 attorney: PROVIDED, That if a licensee requests in writing  
2 information from an attorney regarding such claim and the attorney  
3 does not respond within a reasonable time, the licensee may  
4 communicate directly with the debtor until he or she or it again  
5 receives notification in writing that an attorney is representing the  
6 debtor.

7 (13) Communicate with a debtor or anyone else in such a manner as  
8 to harass, intimidate, threaten, or embarrass a debtor, including but  
9 not limited to communication at an unreasonable hour, with  
10 unreasonable frequency, by threats of force or violence, by threats  
11 of criminal prosecution, and by use of offensive language. A  
12 communication shall be presumed to have been made for the purposes of  
13 harassment if:

14 (a) It is made with a debtor or spouse in any form, manner, or  
15 place, more than three times in a single week, unless the licensee is  
16 responding to a communication from the debtor or spouse;

17 (b) It is made with a debtor at his or her place of employment  
18 more than one time in a single week, unless the licensee is  
19 responding to a communication from the debtor;

20 (c) It is made with the debtor or spouse at his or her place of  
21 residence between the hours of 9:00 p.m. and 7:30 a.m. A call to a  
22 telephone is presumed to be received in the local time zone to which  
23 the area code of the number called is assigned for landline numbers,  
24 unless the licensee reasonably believes the telephone is located in a  
25 different time zone. If the area code is not assigned to landlines in  
26 any specific geographic area, such as with toll-free telephone  
27 numbers, a call to a telephone is presumed to be received in the  
28 local time zone of the debtor's last known place of residence, unless  
29 the licensee reasonably believes the telephone is located in a  
30 different time zone.

31 (14) Communicate with the debtor through use of forms or  
32 instruments that simulate the form or appearance of judicial process,  
33 the form or appearance of government documents, or the simulation of  
34 a form or appearance of a telegraphic or emergency message.

35 (15) Communicate with the debtor and represent or imply that the  
36 existing obligation of the debtor may be or has been increased by the  
37 addition of attorney fees, investigation fees, service fees, or any  
38 other fees or charges when in fact such fees or charges may not  
39 legally be added to the existing obligation of such debtor.



1 (16) Threaten to take any action against the debtor which the  
2 licensee cannot legally take at the time the threat is made.

3 (17) Send any telegram or make any telephone calls to a debtor or  
4 concerning a debt or for the purpose of demanding payment of a claim  
5 or seeking information about a debtor, for which the charges are  
6 payable by the addressee or by the person to whom the call is made:  
7 PROVIDED, That:

8 (a) This subsection does not prohibit a licensee from attempting  
9 to communicate by way of a cellular telephone or other wireless  
10 device: PROVIDED, That a licensee cannot cause charges to be incurred  
11 to the recipient of the attempted communication more than three times  
12 in any calendar week when the licensee knows or reasonably should  
13 know that the number belongs to a cellular telephone or other  
14 wireless device, unless the licensee is responding to a communication  
15 from the debtor or the person to whom the call is made.

16 (b) The licensee is not in violation of (a) of this subsection if  
17 the licensee at least monthly updates its records with information  
18 provided by a commercial provider of cellular telephone lists that  
19 the licensee in good faith believes provides reasonably current and  
20 comprehensive data identifying cellular telephone numbers, calls a  
21 number not appearing in the most recent list provided by the  
22 commercial provider, and does not otherwise know or reasonably should  
23 know that the number belongs to a cellular telephone.

24 (c) This subsection may not be construed to increase the number  
25 of communications permitted pursuant to subsection (13)(a) of this  
26 section.

27 (18) Call, or send a text message or other electronic  
28 communication to, a cellular telephone or other wireless device more  
29 than twice in any day when the licensee knows or reasonably should  
30 know that the number belongs to a cellular telephone or other  
31 wireless device, unless the licensee is responding to a communication  
32 from the debtor or the person to whom the call, text message, or  
33 other electronic communication is made. The licensee is not in  
34 violation of this subsection if the licensee at least monthly updates  
35 its records with information provided by a commercial provider of  
36 cellular telephone lists that the licensee in good faith believes  
37 provides reasonably current and comprehensive data identifying  
38 cellular telephone numbers, calls a number not appearing in the most  
39 recent list provided by the commercial provider, and does not  
40 otherwise know or reasonably should know that the number belongs to a

1 cellular telephone. Nothing in this subsection may be construed to  
2 increase the number of communications permitted pursuant to  
3 subsection (13)(a) of this section.

4 (19) Intentionally block its telephone number from displaying on  
5 a debtor's telephone.

6 (20) In any manner convey the impression that the licensee is  
7 vouched for, bonded to or by, or is an instrumentality of the state  
8 of Washington or any agency or department thereof.

9 (21) Collect or attempt to collect in addition to the principal  
10 amount of a claim any sum other than:

11 (a) Allowable interest, collection costs or handling fees  
12 expressly authorized by statute(~~(7 and 7)~~);

13 (b) A transaction fee for processing a credit card payment in an  
14 amount that does not exceed two and thirty-five one-hundredths  
15 percent of the payment amount, not to exceed thirty-five dollars;  
16 provided that a no-fee payment option is available to the debtor and  
17 the option is disclosed to the debtor at the same time and in the  
18 same manner as the debtor's credit card information is taken;

19 (c) In the case of suit, attorney's fees and taxable court  
20 costs(~~(. A licensee may collect or attempt to collect)~~); and

21 (d) In the case of a commercial claim, collection costs and fees,  
22 including contingent collection fees, as authorized by a written  
23 agreement or contract, between the licensee's client and the  
24 debtor(~~(7 in the collection of a commercial claim)~~)). The amount  
25 charged to the debtor for collection services shall not exceed  
26 thirty-five percent of the commercial claim.

27 (22) Procure from a debtor or collect or attempt to collect on  
28 any written note, contract, stipulation, promise or acknowledgment  
29 under which a debtor may be required to pay any sum other than  
30 principal, allowable interest, except as noted in subsection (21) of  
31 this section, and, in the case of suit, attorney's fees and taxable  
32 court costs.

33 (23) Bring an action or initiate an arbitration proceeding on a  
34 claim when the licensee knows, or reasonably should know, that such  
35 suit or arbitration is barred by the applicable statute of  
36 limitations.

37 (24) Upon notification by a debtor that the debtor disputes all  
38 debts arising from a series of dishonored checks, automated  
39 clearinghouse transactions on a demand deposit account, or other  
40 preprinted written instruments, initiate oral contact with a debtor

1 more than one time in an attempt to collect from the debtor debts  
2 arising from the identified series of dishonored checks, automated  
3 clearinghouse transactions on a demand deposit account, or other  
4 preprinted written instruments when: (a) Within the previous one  
5 hundred eighty days, in response to the licensee's attempt to collect  
6 the initial debt assigned to the licensee and arising from the  
7 identified series of dishonored checks, automated clearinghouse  
8 transactions on a demand deposit account, or other preprinted written  
9 instruments, the debtor in writing notified the licensee that the  
10 debtor's checkbook or other series of preprinted written instruments  
11 was stolen or fraudulently created; (b) the licensee has received  
12 from the debtor a certified copy of a police report referencing the  
13 theft or fraudulent creation of the checkbook, automated  
14 clearinghouse transactions on a demand deposit account, or series of  
15 preprinted written instruments; (c) in the written notification to  
16 the licensee or in the police report, the debtor identified the  
17 financial institution where the account was maintained, the account  
18 number, the magnetic ink character recognition number, the full bank  
19 routing and transit number, and the check numbers of the stolen  
20 checks, automated clearinghouse transactions on a demand deposit  
21 account, or other preprinted written instruments, which check numbers  
22 included the number of the check that is the subject of the  
23 licensee's collection efforts; (d) the debtor provides, or within the  
24 previous one hundred eighty days provided, to the licensee a legible  
25 copy of a government-issued photo identification, which contains the  
26 debtor's signature and which was issued prior to the date of the  
27 theft or fraud identified in the police report; and (e) the debtor  
28 advised the licensee that the subject debt is disputed because the  
29 identified check, automated clearinghouse transaction on a demand  
30 deposit account, or other preprinted written instrument underlying  
31 the debt is a stolen or fraudulently created check or instrument.

32 The licensee is not in violation of this subsection if the  
33 licensee initiates oral contact with the debtor more than one time in  
34 an attempt to collect debts arising from the identified series of  
35 dishonored checks, automated clearinghouse transactions on a demand  
36 deposit account, or other preprinted written instruments when: (i)  
37 The licensee acted in good faith and relied on their established  
38 practices and procedures for batching, recording, or packeting debtor  
39 accounts, and the licensee inadvertently initiates oral contact with  
40 the debtor in an attempt to collect debts in the identified series

1 subsequent to the initial debt assigned to the licensee; (ii) the  
2 licensee is following up on collection of a debt assigned to the  
3 licensee, and the debtor has previously requested more information  
4 from the licensee regarding the subject debt; (iii) the debtor has  
5 notified the licensee that the debtor disputes only some, but not all  
6 the debts arising from the identified series of dishonored checks,  
7 automated clearinghouse transactions on a demand deposit account, or  
8 other preprinted written instruments, in which case the licensee  
9 shall be allowed to initiate oral contact with the debtor one time  
10 for each debt arising from the series of identified checks, automated  
11 clearinghouse transactions on a demand deposit account, or written  
12 instruments and initiate additional oral contact for those debts that  
13 the debtor acknowledges do not arise from stolen or fraudulently  
14 created checks or written instruments; (iv) the oral contact is in  
15 the context of a judicial, administrative, arbitration, mediation, or  
16 similar proceeding; or (v) the oral contact is made for the purpose  
17 of investigating, confirming, or authenticating the information  
18 received from the debtor, to provide additional information to the  
19 debtor, or to request additional information from the debtor needed  
20 by the licensee to accurately record the debtor's information in the  
21 licensee's records.

22 (25) Bring an action or initiate an arbitration proceeding on a  
23 claim for any amounts related to a transfer of sale of a vehicle  
24 when:

25 (a) The licensee has been informed or reasonably should know that  
26 the department of licensing transfer of sale form was filed in  
27 accordance with RCW 46.12.650 (1) through (3);

28 (b) The licensee has been informed or reasonably should know that  
29 the transfer of the vehicle either (i) was not made pursuant to a  
30 legal transfer or (ii) was not voluntarily accepted by the person  
31 designated as the purchaser/transferee; and

32 (c) Prior to the commencement of the action or arbitration, the  
33 licensee has received from the putative transferee a copy of a police  
34 report referencing that the transfer of sale of the vehicle either  
35 (i) was not made pursuant to a legal transfer or (ii) was not  
36 voluntarily accepted by the person designated as the purchaser/  
37 transferee.

38 (26) Submit an affidavit or other request pursuant to chapter  
39 6.32 RCW asking a superior or district court to transfer a bond

1 posted by a debtor subject to a money judgment to the licensee, when  
2 the debtor has appeared as required.

3 (27) Serve a debtor with a summons and complaint unless the  
4 summons and complaint have been filed with the court and bear the  
5 case number assigned by the court.

6 (28) If the claim involves medical debt:

7 (a) Fail to include, with the first written notice to the debtor,  
8 a statement that informs the debtor of the debtor's right to request  
9 the original account number or redacted original account number  
10 assigned to the debt, the date of the last payment, and an itemized  
11 statement as provided in (b) of this subsection (28);

12 (b) (i) Fail to provide to the debtor, upon written or oral  
13 request by the debtor for more information than is contained in a  
14 general balance due letter, an itemized statement free of charge.  
15 Unless and until the licensee provides the itemized statement, the  
16 licensee must cease all collection efforts. The itemized statement  
17 must include:

18 (A) The name and address of the medical creditor;

19 (B) The date, dates, or date range of service;

20 (C) The health care services provided to the patient as indicated  
21 by the health care provider in a statement provided to the licensee;

22 (D) The amount of principal for any medical debt or debts  
23 incurred;

24 (E) Any adjustment to the bill, such as negotiated insurance  
25 rates or other discounts;

26 (F) The amount of any payments received, whether from the patient  
27 or any other party;

28 (G) Any interest or fees; and

29 (H) Whether the patient was found eligible for charity care or  
30 other reductions and, if so, the amount due after all charity care  
31 and other reductions have been applied to the itemized statement;

32 (ii) In the event the debtor has entered into a voluntary payment  
33 agreement, the debtor shall give notice if he or she wants the  
34 payment plan discontinued. If no notice is given, the payment  
35 arrangement may continue.

36 (iii) Properly executed postjudgment writs, including writs of  
37 garnishment and execution, are not required to be ceased and second  
38 or subsequent requests for information already provided do not  
39 require the cessation of collection efforts;

1 (c) Report adverse information to consumer credit reporting  
2 agencies or credit bureaus until at least one hundred eighty days  
3 after the original obligation was received by the licensee for  
4 collection or by assignment.

5 (29) If the claim involves hospital debt:

6 (a) Fail to include, with the first written notice to the debtor,  
7 a notice that the debtor may be eligible for charity care from the  
8 hospital, together with the contact information for the hospital;

9 (b) Collect or attempt to collect a claim related to hospital  
10 debt during the pendency of an application for charity care  
11 sponsorship or an appeal from a final determination of charity care  
12 sponsorship status. However, this prohibition is only applicable if  
13 the licensee has received notice of the pendency of the application  
14 or appeal.

--- END ---