

Debt Collection – What is considered false or harassing debt collection behavior?

Under § 806 of the Act [15 USC 1692d], a debt collector may not engage in any conduct intended to harass, oppress, or abuse any person in connection with the collection of a debt. The following types of conduct are generally considered a violation of the act:

1. The use or threat of use of violence or other criminal means to harm the physical person, reputation, or property of any person.
2. The use of obscene or profane language or language the natural consequence of which is to abuse the hearer or reader.
3. The publication of a list of consumers who allegedly refuse to pay debts, except to a consumer reporting agency or to persons meeting certain other statutory requirements under the act.
4. The advertisement for sale of any debt to coerce payment of the debt.
5. Causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.
6. Except as needed to verify the contact information for the consumer, the placement of telephone calls without meaningful disclosure of the caller's identity.

Under § 807 of the Act [15 USC 1692e], a debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. It is generally a violation of the act to engage in:

1. The false representation or implication that the debt collector is vouched for, bonded by, or affiliated with the United States or any State, including the use of any badge, uniform, or facsimile thereof.
2. The false representation of the character, amount, or legal status of any debt; or any services rendered or compensation which may be lawfully received by any debt collector for the collection of a debt.
3. The false representation or implication that any individual is an attorney or that any communication is from an attorney.

4. The representation or implication that nonpayment of any debt will result in the arrest or imprisonment of any person or the seizure, garnishment, attachment, or sale of any property or wages of any person unless such action is lawful and the debt collector or creditor intends to take such action.
5. The threat to take any action that cannot legally be taken or that is not intended to be taken.
6. The false representation or implication that a sale, referral, or other transfer of any interest in a debt shall cause the consumer to lose any claim or defense to payment of the debt.
7. The false representation or implication that the consumer committed any crime or other conduct in order to disgrace the consumer.
8. Communicating or threatening to communicate to any person credit information which is known or which should be known to be false, including the failure to communicate that a disputed debt is disputed.
9. The use or distribution of any written communication which simulates or is falsely represented to be a document authorized, issued, or approved by any court, official, or agency of the United States or any State, or which creates a false impression as to its source, authorization, or approval.
10. The use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer.
11. The failure to disclose in the initial written communication with the consumer and, in addition, if the initial communication with the consumer is oral, in that initial oral communication, that the debt collector is attempting to collect a debt and that any information obtained will be used for that purpose, and the failure to disclose in subsequent communications that the communication is from a debt collector, except that this paragraph shall not apply to a formal pleading made in connection with a legal action.
12. The false representation or implication that accounts have been turned over to innocent purchasers for value.
13. The false representation or implication that documents are legal process.
14. The use of any business, company, or organization name other than the true name of the debt collector's business, company, or organization.
15. The false representation or implication that documents are not legal process forms or do not require action by the consumer.

16. The false representation or implication that a debt collector operates or is employed by a consumer reporting agency.

Next blog issue:

Debt Collection – What happens to the debt collector if they violate the act?