

Fair Debt Collection Practices Act

A Summary of Key Points We Need To Know

Prohibits communicating with a consumer:

- At unusual times (generally before 8 AM or after 9 PM)
- In a repetitious or excessive manner
- At any place that is inconvenient for the consumer
- At work if the employer or the debtor employee discourages such communication
- Directly if the debtor is represented by an attorney
- By postcard or any other means that displays information about the debt on the outside of an envelope or in plain view
- After the consumer has made it clear they have no intention of paying the debt

Also prohibited under the act is:

- Communication with any one besides the consumer except to establish location information particularly if such communication is likely to disparage the debtor.
- Misrepresentation of the amount of the debt
- Misrepresentation of the legal status of the debt
- Misrepresenting the remedies available to the lender
- Telling the consumer that failure to pay is a crime
- Threatening any action that cannot legally be taken or which will not be taken
- Threatening bodily harm
- Using abusive or vulgar language