

HOUSE FLOOR AMENDMENT

Third Reading

BY REPRESENTATIVE Esgar

- 1 Amend engrossed bill, page 5, line 8, after "(2)" insert "(a)".
- 2 Page 5, line 9, strike "(a)" and substitute "(I)".
- 3 Page 5, line 11, strike "(b)" and substitute "(II)".
- 4 Page 5, line 12, strike "(I)" and substitute "(A)".
- 5 Page 5, line 15, strike "(II)" and substitute "(B)", and strike "OR".
- 6 Page 5, line 16, strike "(III)" and substitute "(C)".
- 7 Page 5, line 17, strike "ANOTHER." and substitute "ANOTHER; OR
 - 8 (D) COLLECTS DEBT FOR THE DEPARTMENT OF PERSONNEL.
 - 9 (b) "COLLECTION AGENCY" DOES NOT INCLUDE:
 - 10 (I) ANY OFFICER OR EMPLOYEE OF A CREDITOR WHILE, IN THE NAME OF THE CREDITOR, COLLECTING DEBTS FOR SUCH CREDITOR;
 - 11 (II) ANY PERSON WHILE ACTING AS A COLLECTION AGENCY FOR ANOTHER PERSON, BOTH OF WHOM ARE RELATED BY COMMON OWNERSHIP OR AFFILIATED BY CORPORATE CONTROL, IF THE PERSON ACTING AS A COLLECTION AGENCY DOES SO ONLY FOR CREDITORS TO WHOM IT IS SO RELATED OR AFFILIATED AND IF THE PRINCIPAL BUSINESS OF THE PERSON IS NOT THE COLLECTION OF DEBTS;
 - 12 (III) ANY OFFICER OR EMPLOYEE OF THE UNITED STATES OR ANY STATE TO THE EXTENT THAT COLLECTING OR ATTEMPTING TO COLLECT ANY DEBT IS IN THE PERFORMANCE OF THE OFFICER'S OR EMPLOYEE'S OFFICIAL DUTIES;
 - 13 (IV) ANY PERSON WHILE SERVING OR ATTEMPTING TO SERVE LEGAL PROCESS ON ANY OTHER PERSON IN CONNECTION WITH THE JUDICIAL ENFORCEMENT OF ANY DEBT;
 - 14 (V) ANY DEBT-MANAGEMENT SERVICES PROVIDER OPERATING IN COMPLIANCE WITH OR EXEMPT FROM THE "UNIFORM DEBT-MANAGEMENT SERVICES ACT", PART 2 OF ARTICLE 19 OF TITLE 5;
 - 15 (VI) ANY PERSON COLLECTING OR ATTEMPTING TO COLLECT ANY DEBT OWED OR DUE OR ASSERTED TO BE OWED OR DUE ANOTHER TO THE EXTENT THAT:
 - 16 (A) THE ACTIVITY IS INCIDENTAL TO A BONA FIDE FIDUCIARY OBLIGATION OR A BONA FIDE ESCROW ARRANGEMENT;
 - 17 (B) THE ACTIVITY CONCERNS A DEBT THAT WAS EXTENDED BY THE PERSON;
 - 18 (C) THE ACTIVITY CONCERNS A DEBT THAT WAS NOT IN DEFAULT

1 AT THE TIME IT WAS OBTAINED BY THE PERSON; OR
2 (D) THE ACTIVITY CONCERNS A DEBT OBTAINED BY THE PERSON AS
3 A SECURED PARTY IN A COMMERCIAL CREDIT TRANSACTION INVOLVING
4 THE CREDITOR;
5 (VII) ANY PERSON WHOSE PRINCIPAL BUSINESS IS THE MAKING OF
6 LOANS OR THE SERVICING OF DEBT NOT IN DEFAULT AND WHO ACTS AS A
7 LOAN CORRESPONDENT, SELLER AND SERVICER FOR THE OWNER, OR
8 HOLDER OF A DEBT THAT IS SECURED BY A DEED OF TRUST ON REAL
9 PROPERTY WHETHER OR NOT THE DEBT IS ALSO SECURED BY AN INTEREST
10 IN PERSONAL PROPERTY;
11 (VIII) A LIMITED GAMING OR RACING LICENSEE ACTING PURSUANT
12 TO ARTICLE 33 OF TITLE 44.
13 (c) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (2)(b) OF
14 THIS SECTION, "COLLECTION AGENCY" INCLUDES ANY PERSON WHO, IN THE
15 PROCESS OF COLLECTING THE PERSON'S OWN DEBTS, USES ANOTHER NAME
16 THAT WOULD INDICATE THAT A THIRD PERSON IS COLLECTING OR
17 ATTEMPTING TO COLLECT SUCH DEBTS.".

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