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Debt Collection and Consumer Protection

Most likely you will never come in contact with a debt collector, but if you do, you should know that federal and state laws exist to make sure you are treated fairly. The Fair Debt Collection Practices Act of 1978 and the Arkansas Fair Debt Collection Practices Act provide limits on what a debt collector may do to try to collect a bill. A debt collector cannot:

- a. Call you at inconvenient times or places, such as before 8:00 a.m. or after 9:00 p.m., unless you agree;
- b. Use obscene language;
- c. Repeatedly use the telephone to annoy;
- d. Advertise or misrepresent your debt, or give anyone false credit information about you;
- e. Use false names or claim to be attorneys or government representatives if they are not;
- f. Claim that papers being sent are legal forms, when they are not, or say that papers are not legal forms when they are;
- g. Deposit a post-dated check before the date on the check;
- h. Threaten to take, garnish, attach, or sell your property or wages, unless the collection agency or the creditor intends to do so, and it is legal;
- i. Use threats of violence or harm against you, your property or your reputation;
- j. Tell neighbors or your employer about your bill;
- k. Threaten to have you arrested;
- l. Go to your home unless invited by an adult member of your household;
- m. Stay in your home when asked to leave.

How May a Debt Collector Contact Me? A debt collector may contact you in person, by mail, by telephone or fax, however cannot do so at inconvenient times or places.

Within five days after you are first contacted, the collector must send you a written notice telling you the amount of money you owe, the name of the creditor you owe money to, and what to do if you want to dispute the debt. A debt collector may contact other people, but only to find out where you live or work. The debt collector is usually not allowed to tell anyone other than you and your attorney that you owe money.

Can I Stop a Debt Collector From Contacting Me? Yes. You can stop a debt collector from contacting you by writing a letter to the collection agency telling them to stop. We recommend you send this letter via certified mail, return receipt requested and retain a copy for your records. Once the debt collector receives this letter, they may not contact you again except to say that there will be no further contact or that some specific action may be taken against you.

What If I Don't Owe the Money That the Collector Wants? If you believe that you do not owe the money that the debt collector is trying to collect, send a letter to the debt collector to dispute the bill. The debt collector may not contact you if you send the collector a letter within 30 days after you are first contacted stating that you do not owe the money. However, a debt collector can renew collection activities if they send you proof of the debt, such as a copy of the bill.

What Should I Do When I Have Contact With a Debt Collector? Keep copies of all letters, faxes or e-mails you receive from the debt collector and anything you send to the creditor. When you mail anything to the debt collector, be sure to use certified mail, return receipt requested. Also, keep a log of any telephone conversations you have with the debt collector.

What Can I Do If the Debt Collector Breaks the Law? In Arkansas, all debt collecting agencies are required to be licensed and registered with the Arkansas State Board of Collection Agencies.

- a. Send the debt collector a letter stating that the collector has violated your rights under the law.
- b. You also have the right to sue the debt collector in state or federal court within one year from the date the law was violated. If you win, you may recover money for the damage you suffered.
- c. You may also file a complaint with the Federal Trade Commission by contacting the Consumer Response Center at 1-877-FTC-HELP (382-4357) or by visiting their website at www.ftc.gov. You may also file a complaint with the Public Protection Department of the Arkansas Attorney General's Office at 501-682-2341 or 1-800-482-8982, or at www.arkansasag.gov.

d. In Arkansas, all debt collecting agencies are required to be licensed and registered with the Arkansas State Board of Collection Agencies. You may also file a complaint with the Arkansas State Board of Collection Agencies by contacting them at 501-371-1438 or at www.ascba.org.

This handout is distributed by the Arkansas Office of the Staff Judge Advocate, Office of Legal Assistance, as a preventive law service. This document and other helpful information on similar personal legal affairs topics can be found on the office's website located at <https://www.us.army.mil/suite/page/695875>. For more information on this topic or to consult with a legal assistance attorney contact the Arkansas National Guard Office of Legal Assistance at 501-212-5040 to establish eligibility and appointment times.