

# Table of Contents for Debt Collection (Regulation F) NPRM

May 7, 2019 proposal to amend Regulation F to prescribe Federal rules governing the activities of debt collectors covered by the FDCPA

(Docket No. CFPB-2019-0022, RIN 3170-AA41)

<b>I. Summary of the Proposed Rule .....</b>	<b>3</b>
A. Coverage and Organization of the Proposed Rule .....	4
B. Scope of the Proposed Rule.....	6
C. Effective Date.....	10
<b>II. Background .....</b>	<b>10</b>
A. Debt Collection Market Background.....	10
B. Debt Collection Methods.....	13
C. Consumer Protection Concerns .....	15
D. FDCPA and Dodd-Frank Act Protections for Consumers .....	16
<b>III. The Rulemaking Process .....</b>	<b>18</b>
A. 2013 Advance Notice of Proposed Rulemaking.....	19
B. Consumer Testing.....	20
C. Study of Debt Collection Market Operations .....	24
D. Survey of Consumer Experiences with Debt Collection .....	25
E. Small Business Review Panel.....	28
<b>IV. Legal Authority .....</b>	<b>29</b>
A. FDCPA Sections 806 through 808 .....	30
B. Dodd-Frank Act Section 1031 .....	35
C. Dodd-Frank Act Section 1032.....	41
D. Other Authorities Under the Dodd-Frank Act.....	42
E. The E-SIGN Act.....	43
<b>V. Section-by-Section Analysis .....</b>	<b>44</b>
Subpart A—General.....	44
Section 1006.1 Authority, Purpose, and Coverage.....	44
1(a) Authority .....	44

1(b) Purpose.....	45
1(c) Coverage .....	46
Section 1006.2 Definitions .....	48
2(a) Act or FDCPA.....	49
2(b) Attempt to Communicate.....	49
2(d) Communicate or Communication .....	51
2(e) Consumer.....	52
2(f) Consumer Financial Product or Service Debt.....	55
2(h) Debt.....	55
2(i) Debt Collector .....	56
2(j) Limited-Content Message .....	57
2(k) Person .....	71
Subpart B—Rules for FDCPA Debt Collectors .....	71
Section 1006.6 Communications in Connection with Debt Collection...	71
6(a) Definition .....	71
6(b) Communications with a Consumer—In General .....	78
6(c) Communications with a Consumer—After Refusal to Pay or Cease Communication Notice.....	89
6(d) Communications with Third Parties .....	93
6(e) Opt-Out Notice for Electronic Communications or Attempts to Communicate .....	113
Section 1006.10 Acquisition of Location Information .....	120
Section 1006.14 Harassing, Oppressive, or Abusive Conduct.....	123
14(b) Repeated or Continuous Telephone Calls or Telephone Conversations .....	123
14(b)(1) In General.....	124
14(b)(1)(i) FDCPA Prohibition .....	124
14(b)(1)(ii) Identification and Prevention of Dodd-Frank Act Unfair Act or Practice.....	129

14(b)(2) Frequency Limits .....	130
14(b)(3) Certain Telephone Calls Excluded from the Frequency Limits .....	157
14(b)(4) Effect of Complying with Frequency Limits .....	163
14(b)(5) Definition .....	167
14(h) Prohibited Communication Media .....	171
Section 1006.18 False, Deceptive, or Misleading Representations or Means .....	174
18(e) Disclosures Required .....	175
18(f) Use of Assumed Names.....	178
18(g) Safe Harbor for Meaningful Attorney Involvement in Debt Collection Litigation Submissions .....	179
Section 1006.22 Unfair or Unconscionable Means .....	182
22(f) Restrictions on Use of Certain Media.....	182
22(g) Safe Harbor for Certain Emails and Text Messages Relating to the Collection of a Debt.....	191
Section 1006.26 Collection of Time-Barred Debts .....	193
26(a) Definitions .....	193
26(b) Suits and Threats of Suit Prohibited .....	195
26(c) Reserved.....	200
Section 1006.30 Other Prohibited Practices.....	201
30(a) Communication Prior to Furnishing Information.....	201
30(b) Prohibition on the Sale, Transfer, or Placement of Certain Debts.....	205
30(c) Multiple Debts .....	212
30(d) Legal Actions by Debt Collectors.....	213
30(e) Furnishing Certain Deceptive Forms .....	213
Section 1006.34 Notice for Validation of Debts .....	214
34(a)(1) Validation Information Required.....	215

34(a)(2) Exception .....	219
34(b) Definitions .....	219
34(c) Validation Information.....	232
34(d) Form of Validation Information.....	269
34(e) Translations into Other Languages .....	283
Section 1006.38 Disputes and Requests for Original-Creditor Information.....	284
38(a) Definitions .....	287
38(b) Overshadowing of Rights to Dispute or Request Original- Creditor Information.....	288
38(c) Requests for Original-Creditor Information .....	289
38(d) Disputes.....	290
Section 1006.42 Providing Required Disclosures .....	296
42(a) Providing Required Disclosures .....	296
42(b) Requirements for Certain Disclosures Provided Electronically.....	302
42(c) Alternative Procedures for Providing Certain Disclosures Electronically.....	314
42(d) Notice and Opportunity to Opt Out of Hyperlinked Delivery .....	325
42(e) Safe Harbors .....	331
Subpart C—Reserved .....	337
Subpart D—Miscellaneous .....	337
Section 1006.100 Record Retention.....	337
Section 1006.104 Relation to State Laws.....	341
Section 1006.108 Exemption for State Regulation and Appendix A Procedures for State Application for Exemption from the Provisions of the Act.....	342
Appendix C to Part 1006—Issuance of Advisory Opinions.....	347
Supplement I to Part 1006—Official Interpretations.....	347

<b>VI. Dodd-Frank Act Section 1022(b) Analysis .....</b>	<b>348</b>
A. Overview .....	348
B. Provisions to Be Analyzed.....	353
1. Prohibited communications with consumers. ....	353
2. Frequency limits for telephone calls and telephone conversations. ....	353
3. Limited-content messages. ....	353
4. Time-barred debt: prohibiting suits and threats of suit.....	353
5. Communication prior to furnishing information. ....	353
6. Prohibition on the sale or transfer of certain debts.....	353
7. Notice for validation of debts. ....	353
8. Electronic disclosures and communications. ....	354
C. Data Limitations and Quantification of Benefits, Costs, and Impacts.....	354
D. Baseline for Analysis .....	355
E. Coverage of Proposal.....	356
F. Potential Benefits and Costs to Consumers and Covered Persons.....	357
1. Prohibited communications with consumers .....	357
2. Frequency limits for telephone calls and telephone conversations . ....	359
3. Limited-content messages .....	379
4. Time-barred debt: prohibiting suits and threats of suit.....	384
5. Communication prior to furnishing information .....	388
6. Prohibition on the sale or transfer of certain debts.....	393
7. Notice for validation of debts .....	393
8. Electronic disclosures and communications .....	407
G. Potential Reduction of Access by Consumers to Consumer Financial Products and Services.....	412
H. Potential Specific Impacts of the Proposed Rule.....	420
1. Depository Institutions and Credit Unions With \$10 Billion or Less in Total Assets, as Described in Section 1026.....	420

2. Impact of the Proposed Provisions on Consumers in Rural Areas..	420
I. Request for Information .....	421
<b>VII. Regulatory Flexibility Analysis .....</b>	<b>422</b>
A. Description of the Reasons Why Agency Action Is Being Considered.....	423
B. Statement of the Objectives of, and Legal Basis for, the Proposed Rule..	424
C. Description and, Where Feasible, Provision of an Estimate of the Number of Small Entities to which the Proposed Rule Will Apply .....	425
D. Projected Reporting, Recordkeeping, and other Compliance Requirements of the Proposed Rule, Including an Estimate of Classes of Small Entities that Will Be Subject to the Requirements and the Type of Professional Skills Necessary for the Preparation of the Report or Record.....	428
E. Identification, to the Extent Practicable, of All Relevant Federal Rules that May Duplicate, Overlap, or Conflict with the Proposed Rule.....	438
F. Description of Any Significant Alternatives to the Proposed Rule that Accomplish the Stated Objectives of the Applicable Statutes and Minimize Any Significant Economic Impact of the Proposed Rule on Small Entities.....	440
G. Discussion of Impact on Cost of Credit for Small Entities .....	442
<b>VIII. Paperwork Reduction Act .....</b>	<b>443</b>
<b>List of Subjects in 12 CFR Part 1006 .....</b>	<b>446</b>
<b>Authority and Issuance.....</b>	<b>447</b>
<b>PART 1006—DEBT COLLECTION PRACTICES (REGULATION F).....</b>	<b>447</b>
Subpart A—General.....	447
§ 1006.1 Authority, purpose, and coverage.....	447
§ 1006.2 Definitions.....	448
Subpart B—Rules for FDCPA Debt Collectors .....	452
§ 1006.6 Communications in connection with debt collection. ....	452
§ 1006.10 Acquisition of location information. ....	457

§ 1006.14 Harassing, oppressive, or abusive conduct.....	458
§ 1006.18 False, deceptive, or misleading representations or means...	461
§ 1006.22 Unfair or unconscionable means. ....	465
§ 1006.26 Collection of time-barred debts.....	467
§ 1006.30 Other prohibited practices. ....	467
§ 1006.34 Notice for validation of debts. ....	469
§ 1006.38 Disputes and requests for original-creditor information.....	476
§ 1006.42 Providing required disclosures.....	478
Subpart C—[Reserved] .....	481
Subpart D—Miscellaneous .....	481
§ 1006.100 Record retention. ....	481
§ 1006.104 Relation to State laws. ....	482
§ 1006.108 Exemption for State regulation.....	482
Appendix A to Part 1006—Procedures for State Application for Exemption from the Provisions of the Act.....	483
I. Purpose and Definitions .....	483
II. Application .....	483
III. Supporting Documents.....	484
IV. Criteria for Determination.....	485
V. Public Comment .....	487
VI. Exemption from Requirements.....	487
VII. Adverse Determination .....	488
VIII. Revocation of Exemption.....	489
Appendix B to Part 1006—Model Forms and Clauses .....	490
B-1 [Reserved].....	490
B-2 [Reserved] .....	490
B-3 Model Form for Validation Notice § 1006.34 .....	491
Appendix C to Part 1006—Issuance of Advisory Opinions.....	492



<b>Supplement I to Part 1006—Official Interpretations.....</b>	<b>492</b>
INTRODUCTION.....	492
Subpart A—General.....	493
Section 1006.2—Definitions .....	493
Subpart B—Rules for FDCPA Debt Collectors.....	496
Section 1006.6—Communications in Connection with Debt Collection.....	496
Section 1006.10—Acquisition of Location Information.....	505
Section 1006.14—Harassing, Oppressive, or Abusive Conduct .....	506
Section 1006.18—False, Deceptive, or Misleading Representations or Means.....	513
Section 1006.22—Unfair or Unconscionable Means.....	514
Section 1006.30—Other Prohibited Practices .....	517
Section 1006.34—Notice for Validation of Debts .....	518
Section 1006.38—Disputes and Requests for Original-Creditor Information.....	527
Section 1006.42—Providing Required Disclosures .....	530
Subpart C—[Reserved] .....	536
Subpart D—Miscellaneous .....	536
Section 1006.100—Record Retention .....	536
Section 1006.104—Relation to State Laws.....	537