

**Introduced by Senator Leno**

February 18, 2011

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An act relating to debt collection.

LEGISLATIVE COUNSEL'S DIGEST

SB 890, as introduced, Leno. Debt collection.

Existing state and federal law regulate the practice of debt collection. Existing state law prohibits a debt collector from engaging in specified conduct, including the use of threats or causing a telephone to ring repeatedly to annoy the person called. Existing law prohibits a debt collector from obtaining an affirmation from a debtor of a consumer debt that has been discharged in bankruptcy, without clearly and conspicuously disclosing to the debtor, in writing, the fact that the debtor is not legally obligated to make such affirmation.

This bill would state the intent of the Legislature to enact legislation to require a debt collector when suing to provide documentation that evidences that the debt collector is attempting to collect from the right person, for the right amount, on a debt that the he or she can lawfully recover.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. It is the intent of the Legislature to enact
- 2 legislation that requires a debt collector to provide documentation
- 3 that supports the debt collector's right to the debt when the debt
- 4 collector is suing to collect that debt. The legislation shall require
- 5 that documentation to evidence that the debt collector is attempting

- 1 to collect from the right person, for the right amount, on a debt
- 2 that the he or she can lawfully recover.

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