

THE LAW

The State of Wyoming Collection Agency Board Statutes W.S. 33-11-101 through W.S. 33-11-116 (the “Act”), and the Rules and Regulations protects Wyoming consumers from unfair and abusive debt collection practices. The Act also provides protection under the provisions of the federal Fair Debt Collection Practices Act (FDCPA). The Act applies to all collection agencies and debt collectors who work for collection agencies. However, this Act does not apply to creditors who collect their own debts or commercial debts.

This brochure outlines your most important rights. It was prepared by the Wyoming Collection Agency Board, a state agency which enforces the Act.

FIRST NOTICE

If the first contact is by phone, the collection agency must send you a written notice stating the amount of money due and the name of the creditor who referred the debt to the collection agency.

YOUR RIGHTS

- You may dispute the debt (or any part of it) within 30 days after receiving the first notice. This must be done in writing. The collection agency must then stop collection of that debt, or the disputed portion, until it gives you proof of the debt (a bill or court judgment) and also the name of the original creditor (if different from the person who referred your debt to the collection agency). However, the collection agency may sue you during that time.
- You may tell the collection agency to stop contacting you at work. It is best if the request is in writing.

- You may refuse to pay the debt or demand that the collection agency stop contacting you altogether. The request must be in writing. (The collection agency must then stop trying to collect the debt from you although it may contact you one final time stating whether it will stop trying to collect the debt or plans to sue you. If you are sued, you then have the right to argue your case in court).
- You may ask the collection agency for a copy of your payment history. It is best if the request is in writing. The requests cannot be more often than payments are made.

COMMUNICATION

A debt collector may NOT:

- Contact you by postcard.
- Use an envelope that shows that the sender is a collection agency or that the contents concern a debt.
- Call you before 8:00 a.m. or after 9:00 p.m. your time or at any other time or place which the debt collector knows is inconvenient for you. (If 8:00 a.m. to 9:00 p.m. is inconvenient, notify the collection agency in writing and state when you can be called).
- Discuss the debt with those who do not owe it without your consent or a court order. The debt collector cannot state he is a debt collector or is affiliated with a collection agency unless specifically asked. A spouse or co-signor is generally responsible for the debt and may be contacted. Neighbors and relatives may only be contacted to obtain your address and phone number.
- Contact you if you are represented by an attorney. You should provide the attorney’s name and telephone number to the collection agency.

PROHIBITED COLLECTION PRACTICES

A debt collector may NOT:

- Use obscene or profane language.
- Make repeated telephone calls to annoy or harass, such as calling and speaking to you 3 times in 1 day.
- Telephone you without stating his name. The debt collector may use an alias (false name) if it is listed with the Wyoming Collection Agency Board.
- Threaten violence against you, your property, or reputation.
- Publish or post the debt through any list other than a credit bureau report.
- State that he is an attorney if he is not licensed to practice law.
- Claim he works for a government agency or has governmental authority, if he does not.
- Accuse you of committing a crime or threaten you with arrest.
- Misrepresent that papers are legal documents when they are not or that papers are not legal documents when in fact they are.
- Misrepresent the amount of the debt or collect an amount greater than the amount you legally owe.
- Threaten to take actions that are illegal.
- Threaten to take or sell your property, garnish your wages, or attach your bank accounts unless that action is legal and the debt collector intends to do it.
- Report false credit information about you.
- Make you accept collect calls or pay for telegrams.
- Deposit a post-dated check before the date on the check. If the check is post-dated by more than 5 days, the debt collector must inform you in writing no less than 3 days nor more than 10 days before the date the check will be deposited. (A debt collector

may ask you to write a post-dated check – the choice is yours.)

ACTIONS WHICH ARE NOT PROHIBITED

The FDCPA does not prevent a debt collector from:

- Contacting you by telephone, letter, and telegram or in person (unless you have demanded in writing that the collection agency not contact you or unless you are represented by an attorney).
- Refusing partial payment or suing you at any time unless you have a payment agreement with the collection agency and are complying with its terms.
- Adding interest to the debt if permitted by law or contract.
- Adding information about the debt to your credit report. However, if you dispute the debt, it must be reported as disputed.
- Add as a collection fee of up to \$30.00 to a dishonored check. If you fail to pay the amount of the check and the collection fee within 30 days of a written demand for payment, you will be liable for 3 times the amount of the check (but never less than \$100.00), a collection fee of \$30.00 and court costs. You may also be liable for attorney fees.

HELPFUL HINTS

- Get all payment agreements in writing and make sure the agreements are signed by you and the collection agency. Pay as agreed.
- Keep copies of all letters and notices you send to a collection agency. Send important communications by certified mail so you know the collection agency received them.
- Keep a record of the dates and times you are contacted by the collection agency, including the name of the debt collector.

- Get a receipt for all cash or money order payments you make.
- Answer legal summons and appear at all court hearings. The Collection Agency Board cannot stop court action.

Be advised that the laws pertaining to collection of student loans and taxes may limit some of the rights described in this brochure.

COMPLAINTS

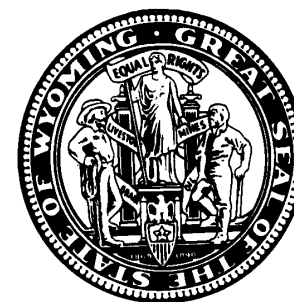
- Call the Wyoming Collection Agency Board Office to have a complaint form sent to you, or you may print one from the web site. Send the completed form to the Board's address listed on this brochure.
- Send complaints about the collection practices of attorneys to the Wyoming State Bar, P.O. Box 109, Cheyenne, Wyoming 82003
- For complaints about consumer credit transactions, call the Department of Audit, Division of Banking, Uniform Consumer Credit Code Office at (307) 777-7797.
- For complaints about credit reports, call the Attorney General's Office, Consumer Affairs Division at 1- (800) 438-5799 or (307) 777-7874
- You may sue a collection agency yourself for any violation of the Act. Contact your local small claims court or an attorney for information.

The Wyoming Collection Agency Board wishes to thank the Colorado Collection Agency Board for granting permission to use portions of their brochure entitled, "Colorado Collection Laws, Your Rights Under The Colorado Fair Debt Collection Practices Act."

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WYOMING COLLECTION AGENCY BOARD

CONSUMER'S RIGHTS UNDER WYOMING STATUTES AND RULES AND REGULATIONS



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