

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1143 Session of
2007

INTRODUCED BY O'PAKE, BOSCOLA, HUGHES, FONTANA, TARTAGLIONE,
ORIE, FERLO, RHOADES, MUSTO, LAVALLE, STOUT, BROWNE, STACK
AND WASHINGTON, NOVEMBER 5, 2007

REFERRED TO BANKING AND INSURANCE, NOVEMBER 5, 2007

AN ACT

1 Amending the act of March 28, 2000 (P.L.23, No.7), entitled "An
2 act establishing the Fair Credit Extension Uniformity Act;
3 and providing for debt collection trade practices and
4 penalties," further providing for unfair or deceptive acts or
5 practices.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 4(b)(6) of the act of March 28, 2000
9 (P.L.23, No.7), known as the Fair Credit Extension Uniformity
10 Act, is amended by adding subparagraphs to read:

11 Section 4. Unfair or deceptive acts or practices.

12 * * *

13 (b) By creditors.--With respect to debt collection
14 activities of creditors in this Commonwealth, it shall
15 constitute an unfair or deceptive debt collection act or
16 practice under this act if a creditor violates any of the
17 following provisions:

18 * * *

19 (6) A creditor may not use unfair or unconscionable

1 means to collect or attempt to collect any debt. Without
2 limiting the general application of the foregoing, the
3 following conduct is a violation of this paragraph:

4 * * *

5 (ix) Failing to permit a consumer, not less often
6 than once in 24 months, to cure until the date of
7 repossession or of execution under a judgment upon
8 default, or the date of auction sale in the case of an
9 automobile, a defaulted purchase loan by bringing the
10 payments current and satisfying reasonable enforcement
11 costs provided for under the loan.

12 (x) Failing to provide reasonable notification in
13 writing to a consumer, not less than seven days prior
14 thereto, of the intent to declare a purchase loan in
15 default and of the applicable right to cure as provided
16 for in this section.

17 * * *

18 Section 2. This act shall take effect in 60 days.