

115TH CONGRESS
2D SESSION

H. R. 5082

To amend the Fair Debt Collection Practices Act to exclude law firms and licensed attorneys who are engaged in activities related to legal proceedings from the definition of a debt collector, to amend the Consumer Financial Protection Act of 2010 to prevent the Bureau of Consumer Financial Protection from exercising supervisory or enforcement authority with respect to attorneys when undertaking certain actions related to legal proceedings, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 23, 2018

Mr. MOONEY of West Virginia (for himself and Mr. GONZALEZ of Texas) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

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1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Practice of Law Tech-
3 nical Clarification Act of 2018”.

4 **SEC. 2. EXCLUSION OF LAW FIRMS AND ATTORNEYS FROM**
5 **THE DEFINITION OF DEBT COLLECTOR WHEN**
6 **ENGAGED IN THE PRACTICE OF LAW.**

7 Section 803(6) of the Fair Debt Collection Practices
8 Act (15 U.S.C. 1692a(6)) is amended—

9 (1) by redesignating subparagraph (F) as sub-
10 paragraph (G); and

11 (2) by inserting after subparagraph (E) the fol-
12 lowing:

13 “(F) any law firm or licensed attorney, to
14 the extent that—

15 “(i) such firm or attorney is engaged
16 in litigation activities in connection with a
17 legal action in a court of law to collect a
18 debt on behalf of a client, including—

19 “(I) serving, filing, or conveying
20 formal legal pleadings, discovery re-
21 quests, or other documents pursuant
22 to the applicable statute or rules of
23 civil procedure;

24 “(II) communicating in, or at the
25 direction of, a court of law (including
26 in depositions or settlement con-

1 ferences) or in the enforcement of a
2 judgment; or

3 “(III) any other activities en-
4 gaged in as part of the practice of
5 law, under the laws of a State in
6 which the attorney is licensed, that re-
7 late to the legal action; and

8 “(ii) such legal action is served on the
9 defendant debtor, or service is attempted,
10 in accordance with the applicable statute
11 or rules of civil procedure; and”.

12 **SEC. 3. AMENDMENT TO BUREAU AUTHORITY WITH RE-**
13 **SPECT TO PRACTICE OF LAW.**

14 Section 1027(e)(2)(B) of the Consumer Financial
15 Protection Act of 2010 (12 U.S.C. 5517(e)(2)(B)) is
16 amended by striking the period at the end and inserting
17 “, unless such financial product or service is provided by
18 a licensed attorney who is not a debt collector as described
19 under section 803(6)(F) of the Fair Debt Collection Prac-
20 tices Act.”.

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