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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R. 5013

To apply the Fair Debt Collection Practices Act to small businesses to the same extent as such Act applies to consumers, to require the Director of the Bureau of Consumer Financial Protection to define “small business” for purposes of such Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. LAWSON of Florida introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To apply the Fair Debt Collection Practices Act to small businesses to the same extent as such Act applies to consumers, to require the Director of the Bureau of Consumer Financial Protection to define “small business” for purposes of such Act, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Small Business Fair
5 Debt Collection Protection Act”.

1 **SEC. 2. FAIR DEBT COLLECTION PRACTICES FOR LOANS TO**
2 **SMALL BUSINESSES.**

3 (a) IN GENERAL.—The Fair Debt Collection Prac-
4 tices Act (15 U.S.C. 1692 et seq.) is amended—

5 (1) in section 803, by amending paragraph (5)
6 to read as follows:

7 “(5) The term ‘debt’ means any obligation or
8 alleged obligation to pay money arising out of a
9 transaction, whether or not such obligation has been
10 reduced to judgment.”;

11 (2) by redesignating section 819 as section 820;
12 and

13 (3) by inserting after section 818 the following:
14 **“§ 819. Application to small businesses**

15 “(a) IN GENERAL.—This Act shall apply to small
16 businesses to the same extent as this Act applies to con-
17 sumers.

18 “(b) SMALL BUSINESS DEFINED.—The Director of
19 the Bureau, in consultation with the Administrator of the
20 Small Business Administration, shall issue a rule to define
21 the term ‘small business’ for purposes of this section.”.

22 (b) CLERICAL AMENDMENT.—The table of contents
23 for the Fair Debt Collection Practices Act is amended by
24 striking the item relating to section 819 and inserting the
25 following:

“819. Application to small businesses.
“820. Effective Date.”.

1 (c) PROHIBITION ON HARASSMENT OR ABUSE.—Sec-
2 tion 806(3) of the Fair Debt Collection Practices Act (15
3 U.S.C. 1692d) is amended—

4 (1) by striking “consumers who” and inserting
5 “consumers or small businesses that”; and

6 (2) by inserting “, to a commercial credit bu-
7 reau,” after “consumer reporting agency”.