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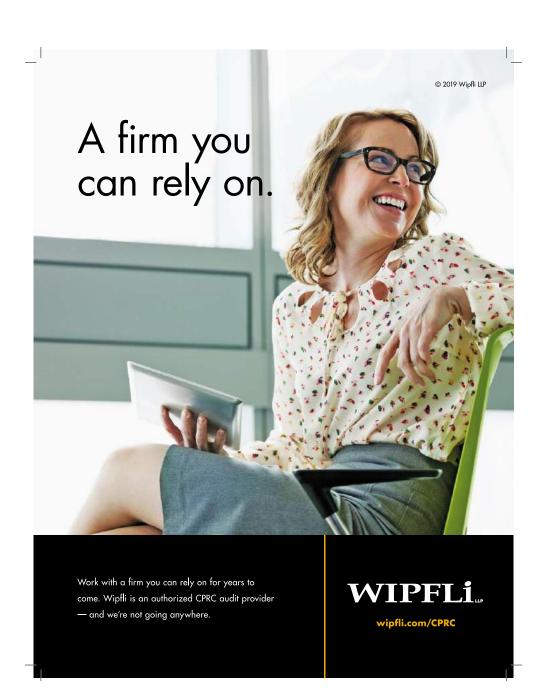
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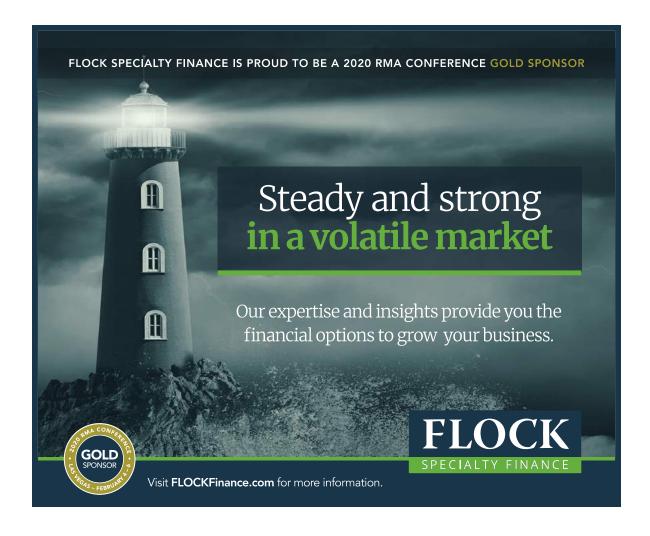
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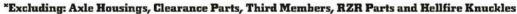


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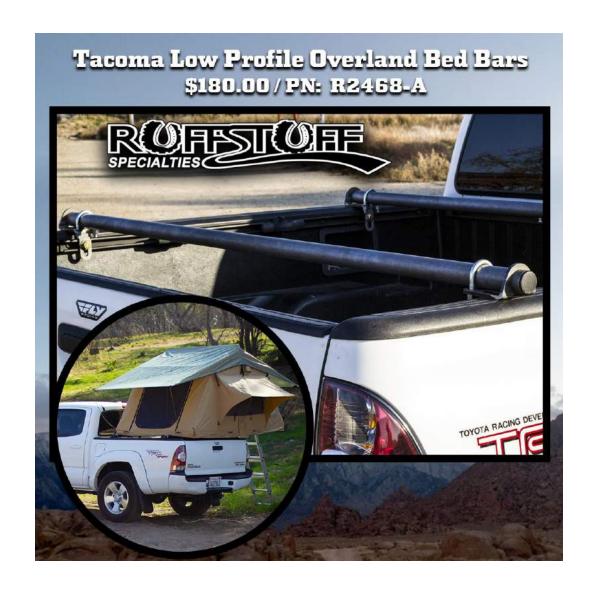












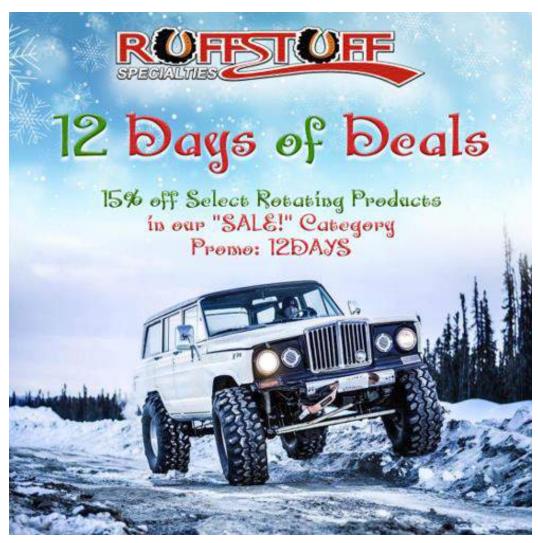














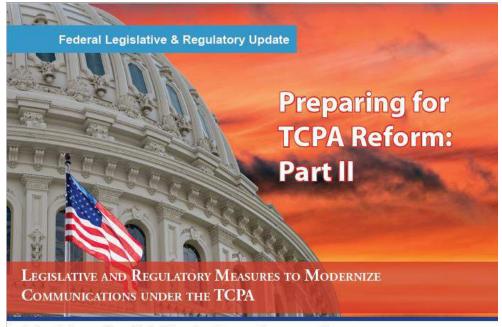






Magazine





The drumbeat to take action

against "robocalls"

has only grown.

In the spring issue, we discussed the legislative and regulatory initiatives Congress and the Federal Communications Commission ("FCC" or the "Agency") introduced to modernize the regulation of communications under the Telephone Consumer Protection Act ("TCPA"). Since then, the drumbeat

to take action against "robocalls" has only grown, leading Congress and the FCC to act quickly on their proposals. The Senate, for instance, passed the "TRACED Act" (S. 151) and the House of Representatives approved the "Stopping Bad Robocalls Act" (H.R. 3375). There is significant bipartisan interest in addressing these issues so reform is on the horizon. The

FCC also has taken more steps to minimize robocalls, first and foremost by authorizing voice service providers ("VSPs") to offer consumers call blocking services by default, and allowing consumers to create "white lists" for approved numbers. These reforms will have significant consequences for RMAI members, so continued engagement with lawmakers and the FCC is essential to ensure that these and future measures prevent abusive practices rather than legitimate and important communications.

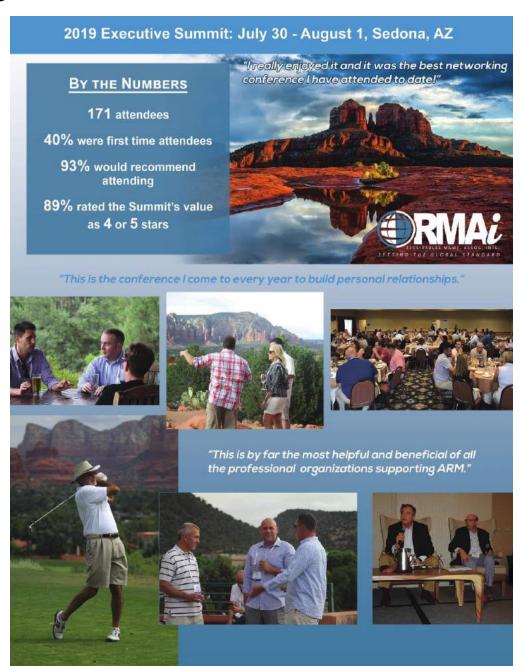
REGULATORY EFFORTS

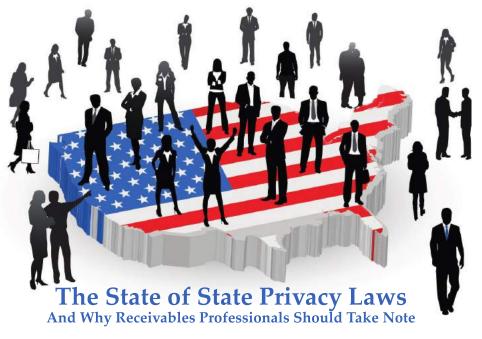
Over the last few months, the FCC has issued new rules to authorize VSPs to prevent illegal robocalls from reaching consumers. Specifically, the Agency issued a declaratory ruling

in June authorizing VSPs to provide call blocking services by default. According to the ruling, VSPs may block calls "based on call analytics that target unwanted calls" as long as consumers are informed of and are allowed to opt-out of the service. Additionally, VSPs are authorized to block any number

not included on a consumer's "white list," meaning a list of telephone numbers the consumer wants to receive, provided the consumer opts-in to such services. Other calls would be blocked. In tandem with this ruling, the FCC issued a notice of proposed rulemaking, proposing, among other things, a safe harbor for VSPs that block calls for which their caller identification authentication protocol incorrectly categorizes as originating from blocked numbers.

Magazine





There has been a great deal of discussion and concern expressed by the receivables industry around emerging privacy laws in the U.S. Indeed, while the federal government drags its heels, the reality is that there is no real comprehensive federal regime in sight. And unsurprisingly, the states are stepping in.

State-level momentum for comprehensive privacy bills is surging. After the California Consumer Privacy Act (CCPA) passed in 2018, multiple states proposed similar legislation to protect consumers in their states. Today, California and Nevada have passed legislation, and there many bills on floors of several state legislatures. Nevada recently amended its existing data privacy statute governing the security of information maintained by data collectors and other businesses and is slated to go into effect on October 1, 2019 (nearly three months before the CCPA). And there are several pending amendments to the CCPA (which may be resolved by the time this article goes to print!)

While many of these privacy bills will fail to become law, comparing the key provisions in each bill illustrates how privacy regulation is developing in the United States at the state level. According to the International Association of Privacy Professionals (IAPP), 16 provisions commonly appear in com-

prehensive privacy statutes. These provisions generally break down into two categories — consumer rights and business obligations. The IAPP does a wonderful breakdown of these bills and categories here:

https://iapp.org/media/pdf/State_Comp_Privacy_Law.pdf

According to the IAPP, the sixteen common privacy provisions include:

- The right of access to personal information collected:
 The right for a consumer to access from a business/data controller the information collected or categories of information collected about the consumer; right may only exist if a business sells information to a third party.
- The right of access to personal information shared with a third party: The right for a consumer to access personal information shared with third parties.
- The right to rectification: The right for a consumer to request that incorrect or outdated personal information be corrected but not deleted.
- The right to deletion: The right for a consumer to request deletion of personal information about the consumer un-

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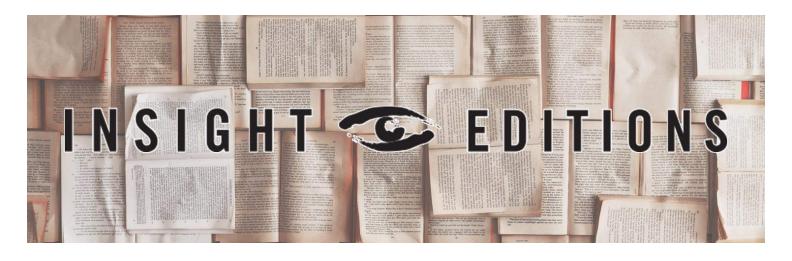










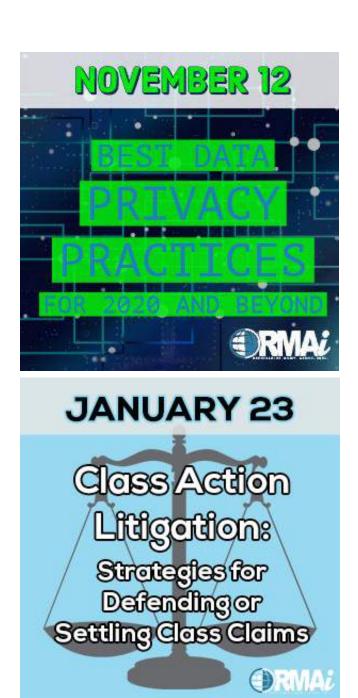




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Newsletters



RMAI Update

Mid-Month Update

November 2019





After expecting a quiet close of 2019 at the federal level after the submission of RMAI's comments for the CFPB debt collection rule, we find we are busier than usual. News that the CFPB will issue a supplemental proposed debt collection rule specifically on time barred debt disclosures assures another busy time, as RMAI will again spend time and resources on developing comments. We anticipate the supplemental proposed rule will be published relatively soon, and that the final overall rule will not be published until the time barred debt disclosure rule can be incorporated.

On Capitol Hill, we have seen a full agenda of legislation introduced amending various sections of the FDCPA. The legislation comes with titles written to sensationalize abusive practices. Examples of recently introduced legislation includes:

- HR 4403: Stop Debt Collection Abuse Act
- HR 3948: Debt Collection Practices Harmonization Act
- HR 3490: Small Business Lending Fairness Act
- HR 4664: Monitoring and Curbing Abusive Debt Collection Practices Act



STATE LEGISLATIVE STATE LEGISLATIVE

RMAI is actively monitoring over 200 bills that may impact the receivables industry in both positive and negative ways. <u>Click HERE to read some of the noteworthy bills that have been introduced.</u>

If you are interested in obtaining a copy of the RMAI state tracking list, please contact David Reid at dreid@rmaintl.org.



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COURT DECISIONS

- Calif. App. Court (1st Dist) Refuses to Enforce Predispute Jury Waiver Despite Forum Selection Clause
 - Handoush v. Lease Fin. Grp., LLC, No. A150863, 2019 Cal. App. LEXIS 1078 (Ct. App. 2019)
- 5th Cir. Holds Bankruptcy Courts Cannot Enforce Discharge Injunctions From Other
 Districts
 Crocker v. Navient Sols., L.L.C. (In re Crocker), No. 18-20254, 2019 U.S. App. LEXIS 31300 (5th
 Cir. 2019)
- Fla. App. Court (2nd DCA) Holds FCCPA Claims for Workplace Injury Bills Not Negated by Workers Comp Law
- Davis v. Sheridan Healthcare, Inc., 44 Fla. L. Weekly 2535 (App. 2019)
- Calif. App. Court (2nd Dist) Upholds Over 60% Reduction on Consumer Plaintiff's Attorney Fee Award
- Morris v. Hyundai Motor Am., 41 Cal. App. 5th 24 (2019)
- Read the details



RMAI's message to legislators around the country has stressed that our members support reasonable and balanced reforms, but will always oppose legislation that stifles legitimate business activities. Read More. See a current list of contributors every month in the RMAI Update.

Newsletters



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- Marian Sangalang, The Bureaus & President of RMAI.

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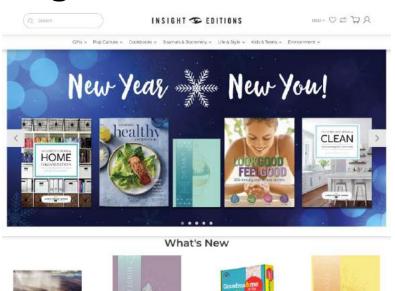
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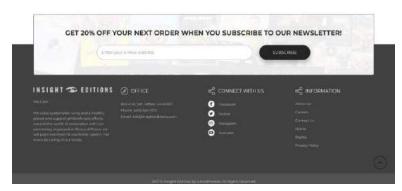


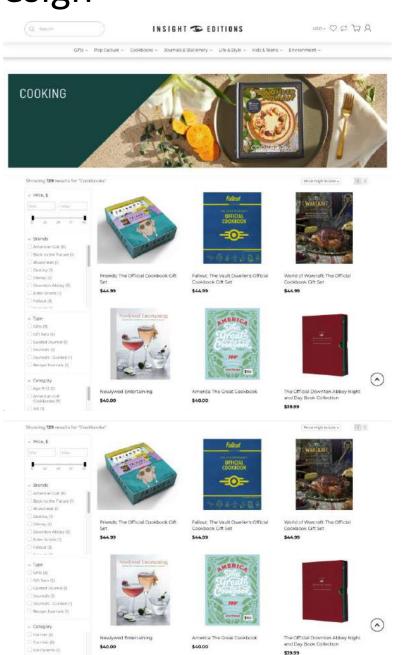












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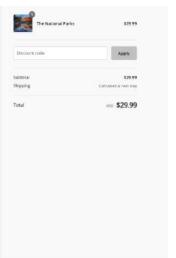


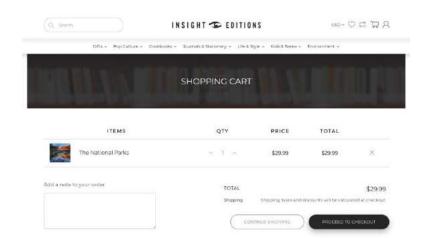
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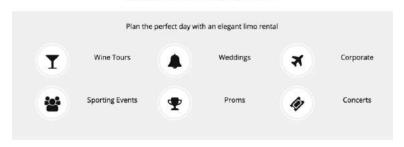






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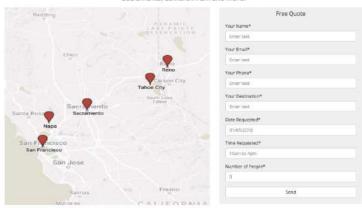
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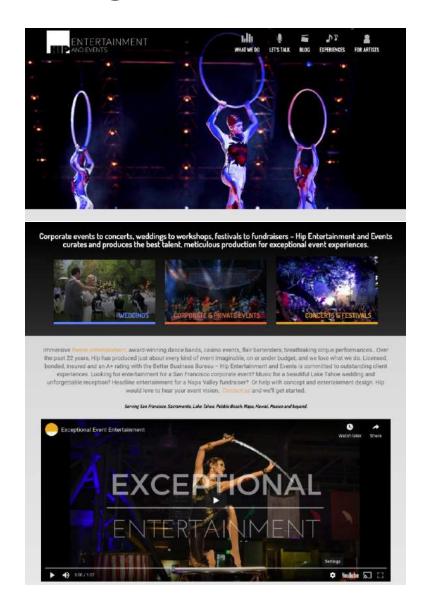
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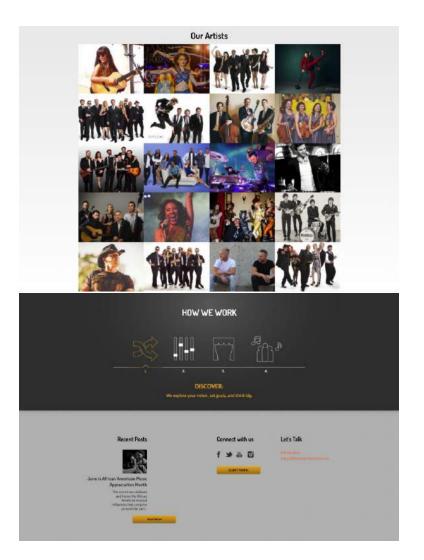
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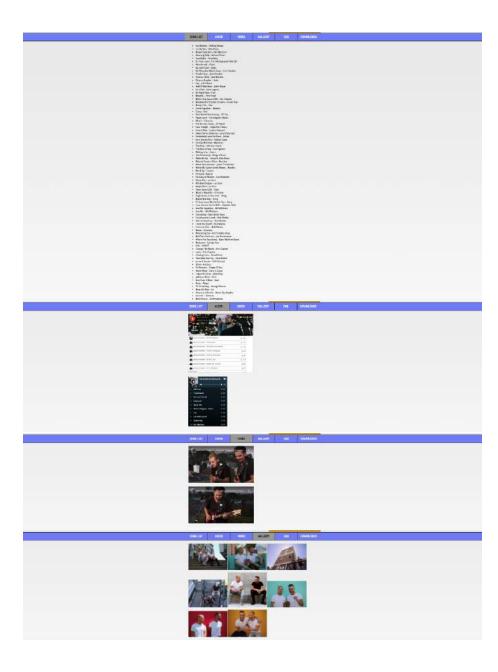
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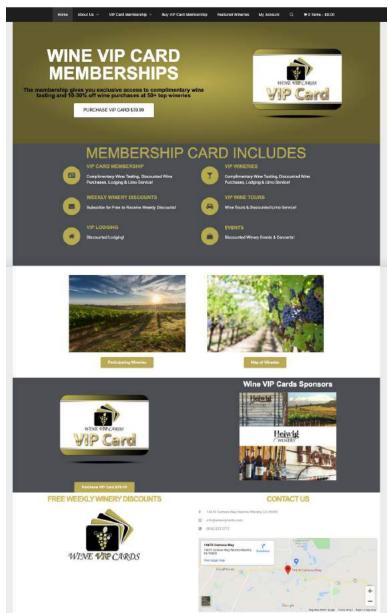
















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