



Fair Debt Collection Practices Act Fact Sheet

Introduction

There is both a federal and state Fair Debt Collection Practices Act (FDCPA), which lists multiple practices that debt collectors are not allowed to use when attempting to collect a debt. It was enacted because there was an abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors. The purposes of the FDCPA are to eliminate abusive debt collection practices by debt collectors, ensure that those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged, and promote consistent state action to protect consumers against debt collection abuse.

Abusive debt collection practices still contribute to a number of personal bankruptcies, instances of marital instability, losses of jobs, and invasions of individual privacy.

Restrictions

The following are not exclusive, but they list some practices that debt collectors are not allowed to use. If you feel a debt collector is violating your rights, contact an attorney immediately.

- attempting to collect a debt you do not owe
- attempting to collect a debt for an amount that is not accurate or correct
- attempting to collect a debt older than five years
- calling you before 8:00 a.m. or after 9:00 p.m.
- calling you repeatedly to harass you
- using obscene or profane language to collect a debt
- refusing to reveal the true identity of themselves (the caller or debt collector)
- using an alias name to collect a debt
- threatening violence to collect a debt
- threatening to file a lawsuit, when the person is not an attorney or law firm
- representing the debt collector is with the government
- falsely representing the nature of, or the legal status of, the debt (telling you a lawsuit has been filed, etc.)
- falsely representing the caller is an attorney
- representing that nonpayment of the debt may result in arrest or the taking of your property
- threatening to take actions that cannot be legally taken (coming to take your property, car, etc.)
- implying that denying the amount of the debt will cause a loss of claims or defenses (saying you cannot dispute the amount, get an attorney, etc.)
- informing you that you have committed a crime
- communicating false credit information to collect your debt (threatening to ruin your credit)

- sending you documents representing to be court documents, if they are not
- using deceptive means to obtain information about you (trying to verify employment)
- failing to disclose the telephone call is an attempt to collect a debt
- failing to disclose that information given may be used to collect a debt
- stating that accounts have been turned over to innocent purchasers
- falsely stating that documents sent to you are legal process
- using a business name other than the true name of the business contacting you
- falsely stating that documents are not legal process
- falsely claiming to work for a consumer reporting agency
- collecting amounts unauthorized by the contract or law
- soliciting post-dated checks for purposes of threatening a crime
- accepting a postdated check without notification of depositing it
- depositing a check prior to the date you placed on it
- causing charges to you by concealment (placing collect calls, sending collect telegrams, etc.)
- threatening to take property (telling you they are coming to get your TV to pay the debt, etc.)
- communicating with you using a postcard
- using false language or symbols on communications with you

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The information and statements of law in this fact sheet should not be considered legal advice. This fact sheet is provided as a broad guide to help you understand how certain legal matters are handled in general. Courts may interpret the law differently. Before you take action, talk to an attorney and follow his or her advice. Always do what the court tells you to do.

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