

Chapter 55

COLLECTION AGENCIES-AMENDMENTS

Original House Bill No. 126

AN ACT relating to collection agencies; amending the definition of "collection agency" to include nonresident debt collectors as specified; providing for injunctive relief as specified; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 33-11-101(a)(iii)(D), (E) and by creating a new subparagraph (F) and 33-11-115 are amended to read:

33-11-101. Definitions.

(a) As used in this act:

(iii) "Collection agency" means any person who:

(D) Directly or indirectly, solicits for collection debts owed or due or asserted to be owed or due a Wyoming creditor;~~or~~

(E) Uses a fictitious name or any name other than their own name in the collection of their own accounts receivable;~~or~~

(F) Collects debts incurred in this state from debtors located in this state by means of interstate communications, including telephone, mail or facsimile or any other electronic method, from the debt collector's location in another state.

33-11-115. Prohibited acts; penalty for violations; injunctive relief.

(a) In addition to other penalties, any person who carries on the business of a collection agency without first having obtained a license, or who carries on a collection agency business after the termination, suspension, revocation or expiration of a license, is guilty of a misdemeanor and upon conviction shall be fined not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00), imprisoned in the county jail not more than six (6) months, or both.

(b) When it appears to the board that any person is violating any of the provisions of this act, the board may, in its own name, bring an action in a court of competent jurisdiction for an injunction, and courts of this state may enjoin any person from violating this act regardless of whether proceedings have been or may be instituted before the board or whether proceedings have been or may be instituted under subsection (a) of this section. The proceedings shall be prosecuted by the attorney general, or if approved by the attorney general, by private counsel engaged by the board.

Section 2. This act is effective July 1, 1999.

Approved February 18, 1999.