

The name of the Board is conformed to the substantive provision that creates the Board. See the revisor's note to § 7-201 of this title.

The former phrase "of the office of the Commissioner of Consumer Credit" is deleted as surplusage in a definition.

Defined term: "Collection agency" § 7-101

(C) COLLECTION AGENCY.

"COLLECTION AGENCY" MEANS A PERSON WHO:

(1) ENGAGES DIRECTLY OR INDIRECTLY IN THE BUSINESS OF COLLECTING FOR, OR SOLICITING FROM ANOTHER, A CONSUMER CLAIM;

(2) IN COLLECTION OF A CONSUMER CLAIM BY ITS OWNER, USES A NAME OR OTHER ARTIFICE THAT INDICATES THAT ANOTHER PARTY IS ATTEMPTING TO COLLECT THE CONSUMER CLAIM; OR

(3) GIVES, SELLS, ATTEMPTS TO GIVE OR SELL TO ANOTHER, OR USES, FOR COLLECTION OF A CONSUMER CLAIM, A SERIES OR SYSTEM OF FORMS OR LETTERS THAT INDICATES DIRECTLY OR INDIRECTLY THAT A PERSON OTHER THAN THE OWNER IS ASSERTING THE CONSUMER CLAIM.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 56, § 323(b)(1) and (2).

In item (2) of this subsection, the defined term "consumer claim" is substituted for the former word "debt" to conform to items (1) and (3) of this subsection.

Also in item (2) of this subsection, the word "owner" is substituted for the former words "creditor, seller, lender, or holder" for brevity.

Also in item (2) of this subsection, the former reference to "collecting" a consumer claim is deleted as unnecessary in light of the reference to "attempting" collection.

In item (3) of this subsection, the former word "assert" is deleted as unnecessary in light of the words "indicate directly or indirectly".

The Business Regulation Article Review Committee notes, for consideration by the General Assembly, that former Art. 56, § 323(b)(1)(ii) and (2) referred, respectively, to a "third party" and a "person" collecting a consumer claim. The word "party" could include a governmental entity, but the word "person" generally does not include a governmental entity. See § 1-101 of this article. Therefore, the word "person", used in item (3) of this subsection, may not cover instances in which a form or letter suggests that a governmental entity is acting as a collection agency. See, however, Art. 27, § 199 of the Code.