

## Summary of H.482 Provisions in S.136

**Sec. 14** – Credit Card Debt Collection – adds 9 V.S.A. chapter 105, subchapter 2

**§ 4051(a)** - Before Filing Civil Action – requires collector to mail debtor:

- information re: the parties and the debt
- declaration of inability to pay form
- income/asset disclosure form
- (b) – if D disputes, not further contact until form is sent

**§ 4052** – Court Action -

- (1) P must certify it mailed the form
- (2) P must include form with complaint
- (3) D must get notice of trial and opportunity to answer
- (4) Failure to respond or dispute ≠ admission
- (5) P has burden of proof that: D owes debt, amount, and P’s authority to collect
- (6) If judgment for P, P must provide sample calculations for repayment
- (7) Court’s ability to order payment limited if D’s income is exempt from collection

**§ 4053** – Post Judgment Collection – P must mail information to D prior to filing motion (pg. 55)

**§ 4054** – Statute of Limitations - changes SOL from 6 years to 3 years to file collection action

**§ 4055** – Action to Renew Judgment – not allowed unless P shows (1) steps taken to collect; and

- (2) present intent and ability to file judgment lien

**§ 4056** – Enforcement – per consumer protection act

### Beyond Credit Card Collection

**Sec. 15** – Consumer Protection Act Damages - modifies penalties under consumer protection act

**Sec. 16** – Trustee Process –

- (a) no trustee process against earnings if “household”, as determined by DCF or DVHA, was a recipient of assistance;
- (b) exempt earnings are based on ~~federal~~ minimum hourly wage

**Sec. 17** – Judgment Lien on Real Property – interest on lien is suspended if court finds D income is exempt from collection