

ORDER OF THE STATE BANKING DEPARTMENT

DIVISION OF CONSUMER CREDIT

ADOPTION AMENDMENT AND REPEAL OF RULES

Pursuant to the authority vested in the Commissioner of Banks under Section 218.04 (7), Wisconsin Stats., the State Banking Department hereby repeals and recreates the rules relating to collection agencies as follows:

Sections Ekg 74.03(1)(c), (d) and (2); 74.05 (1)(d)3, 5 and (2) of the Wisconsin Administrative Code are repealed.

Sections Ekg 74.03 (1)(c), (d) and (2); 74.05(1)(d)3, 5 and (2) and 74.10 of the Wisconsin Administrative Code are adopted to read:

Ekg 74.03 (1)(c) Date of collection and amount collected from each debtor which shall include interest and other charges (attorneys fees, court costs or suit fees if paid by or charged to the creditor are to be included as other charges);

(d) Distribution of money collected from each debtor including interest, if any, showing amount due licensee as commission and amount due creditor or forwarder;

(2) DUPLICATE COPY OF REMITTANCE STATEMENT TO BE RETAINED BY LICENSEE. A duplicate copy of each remittance statement furnished a creditor or forwarder shall be kept available in the office of the licensee and shall be filed by the month in which it was issued either alphabetically or by claimant number.

Ekg 74.05 (1)(d)3. The amount of interest, cost of legal action instituted, or other charges, if any, and a description thereof;

5. The cost of any legal action instituted.

(2) RECEIPT REQUIREMENT. Whenever a payment is received from a debtor, forwarder or other person, a receipt showing the date said payment was received shall be prepared and a duplicate copy shall be available at all times in the office of the licensee except when other positive evidence of a receipt is available.

(a) CONTENT OF RECEIPT. All receipts must be prepared at least in duplicate, be prenumbered by the printer and used in consecutive numerical order. The receipt shall show the name and address of the licensee, the amount and date paid, the name of the creditor or creditors, the allocation of moneys paid to principal, interest or costs, and the name or initials of the collector or person accepting the payment.

(b) The original receipt or an exact copy thereof must be furnished the debtor unless a payment is received where the debtor's personal check, cashier's check or a money order is received which in itself is evidence of payment.

(c) A duplicate copy of the consecutively numbered field and/or office receipt which the licensee must prepare for each payment received, including voided and cancelled receipts, shall be retained in numerical sequence in the office.

(d) If a collection is made outside of the office, the copy of the field receipt required to be given the debtor must be filed in the office in consecutive numerical order after the record of payment has been transferred to the office receipt required in (a) above.

Bkg 74.10 ANNUAL REPORT. The annual report required by Section 218.04(10)(a) shall be sworn to by the licensee, if he is an individual, or by a partner, director, manager or treasurer in its behalf if the licensee is a partnership, corporation, or incorporated association. The following information shall be furnished in addition to such information as shall be required of other businesses authorized to be conducted in the same office:

SCHEDULE A - GENERAL INFORMATION. The information included under this schedule will be the location of the office and the nature of other business conducted in the office as well as the names and addresses of the officers, directors, partners, owner and collection personnel.

SCHEDULE B - STATEMENT OF FINANCIAL CONDITION. The statement of financial condition shall contain a list of all assets, liabilities and net worth which shall be furnished on a form provided by the banking department. The statement shall be as of the close of business on December 31 in the year for which the statement is furnished except where the licensee has written authorization to file a statement of a prior date, which shall not be before September 30 in the year for which the statement is furnished.

SCHEDULE C - STATEMENT OF RECEIPTS AND EXPENDITURES. This schedule will include a statement of receipts including all income and expenses of the agency and any other associated businesses authorized to be conducted in the same office with the collection agency. The net profit from the business shall also be shown.

SCHEDULE D - STATEMENT OF OWNERSHIP AND AFFIDAVIT. This schedule shall include a statement of ownership of the collection agency and an affidavit as to the veracity of the report.

SCHEDULE E - NEW CLAIMANTS OR FORWARDERS LISTED DURING THE PAST YEAR. This schedule sets forth a listing of all new claimants or forwarders including the street address and the city and state in which the claimants reside.

The above schedules are to be furnished only on forms provided by the banking department.

Dated at Madison, Wisconsin, this 1st day of July 1966.



Commissioner
State Banking Department
State of Wisconsin

(SEAL)