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ASSEMBLY AMENDMENT 14, TO 2003 ASSEMBLY BILL 651

February 3, 2004 - Offered by Representatives Hebl and Montgomery.

At the locations indicated, amend the bill as follows:

1. Page 4, line 17: delete lines 17 to 23 and substitute:

"218.04 (9j) Consolidation of accounts. (a) A licensee may, after receiving authorization from a creditor, consolidate the creditor's account or accounts relating to a particular debtor with those of any other creditor or creditors relating to that debtor and may cause an action to be brought on behalf of the creditor or creditors. All of the following apply to any action caused to be brought by a licensee on behalf of a creditor or creditors under this subsection:

- 1. The summons and complaint shall be prepared by an attorney or at the direction of an attorney.
- 2. The name or names of the creditor or creditors shall appear in the pleadings and in the caption of the case as the real party or parties in interest and the licensee's name shall not appear in the caption or pleadings.

- 3. The creditor or creditors in each instance shall be given the opportunity either to select an attorney to commence the action or to designate, as a part of the authorization process, the collection agency as the agent of the creditor or creditors to retain an attorney and forward the claim or claims to the attorney on behalf of the creditor or creditors.
- (b) In any action brought by a licensee under this subsection, the licensee shall not appear on behalf of any creditor or creditors before any court, including the clerk of any small claims court in an action on the debt or in garnishment proceedings, except when called as a witness by the plaintiff's attorney in open court.

Section 3m. 218.04 (9k) of the statutes is created to read:

218.04 (9k) Assignment of accounts. Any person may assign a debt owed to that person to any licensee. That assignment shall be in writing for consideration and shall state the amount owed to the original creditor, the name of the debtor and the name of the licensee. A licensee taking assignment of a debt under this section shall take the assignment of the debt in the licensee's name as a real party in interest for the purpose of billing, collection, and bringing suit in the licensee's name. No suit regarding an assigned debt may be instituted on behalf of a licensee in any court unless the licensee appears by a duly authorized and licensed attorney at law.".

2. Page 12, line 22: delete the material beginning with that line and ending with page 13, line 2.

(END)