

## **FDCPA Exam Questions and Answers with Complete Solutions |Rated A+**

According to the FDCPA only, in a community property state, you may speak with the consumer's spouse in connection with the collection of a debt. (T/F)? - ✓✓TRUE- can always speak with spouse in a community property state

In a non-community property state, you may speak with the consumer's spouse in connection with the collection of a debt. (T/F)? - ✓✓FALSE

FALSE- If they are requesting validation we can't use against them in court - ✓✓If the consumer fails to dispute the validity of a debt, it constitutes an admission of liability that can be used against them in court. (T/F)?

Per P&F requirements, when leaving a message on a consumer's answering machine you must also leave a 'mini miranda' (T/F)? - ✓✓TRUE

If the consumer has multiple accounts that this office is collecting on, the consumer can state how they wish for their payment to be applied on those accounts (T/F)? - ✓✓TRUE- consumer can pay \$75 on one account and pay \$25 on another account

After a debt collector knows that an attorney represents a consumer, the debt collector is still permitted to contact 3rd parties for the purpose of skip-tracing the consumer (T/F)? -

✓✓FALSE- no skip tracing if they are represented by an attorney

# Fdcpa Test Questions And Answers

**K Morrison**



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PUBLICATIONS,2024     **Fair Debt Collection Practices Act** LandMark Publications,2017-12 THIS CASEBOOK contains a selection of U S Court of Appeals decisions that analyze interpret and apply provisions of the Fair Debt Collection Practices Act The selection of decisions spans from 2014 to the date of publication The FDCPA regulates the conduct of debt collectors defined to include any person who uses any instrumentality of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts or who regularly collects or attempts to collect directly or indirectly debts owed or due or asserted to be owed or due another Id 1692a 6 Among other things the FDCPA prohibits debt collectors from using any false deceptive or misleading representation or means in connection with the collection of any debt and from using unfair or unconscionable means to collect or attempt to collect any debt Id 1692e 1692f The statute provides a non exhaustive list of conduct that is deceptive or unfair e g falsely implying that the debt collector is affiliated with the United States id 1692e 1 Debt collectors who violate the FDCPA are liable for actual damages statutory damages of up to 1 000 and attorney s fees and costs See id 1692k a In re Dubois 834 F 3d 522 4th Cir 2016 The definition of debt collector which is contained in 1692a 6 is comprised of two parts The first part defines the classes of persons that are included within the term debt collector while the second part defines those classes of persons that are excluded from the definition of debt collector The first part defining those who are included provides in relevant part The term debt collector means any person 1 who uses any instrumentality of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts or 2 who regularly collects or attempts to collect directly or indirectly debts owed or due or asserted to be owed or due another Notwithstanding the exclusion provided by clause F of the last sentence of this paragraph the term includes any creditor 3 who in the process of collecting his own debts uses any name other than his own which would indicate that a third person is collecting or attempting to collect such debts 15 U S C 1692a 6 emphasis added Stated more simply this provision defines a debt collector as 1 a person whose principal purpose is to collect debts 2 a person who regularly collects debts owed to another or 3 a person who collects its own debts using a name other than its own as if it were a debt collector Henson v Santander Consumer USA Inc 817 F 3d 131 4th Cir 2016 The second part of 1692a 6 defines the classes of persons that are excluded from the definition of debt collector so that a person who meets one of the definitions of debt collector contained in the first part of 1692a 6 will not qualify as such if it falls within one of the exclusions

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