

§11003. Exclusions

The term debt collector does not include: [PL 1985, c. 702, §2 (NEW).]

1. Officers or employees of a creditor. Any officer or employee of a creditor while, in the name of the creditor, collecting debts for that creditor;
[PL 1985, c. 702, §2 (NEW).]

2. Persons related by common ownership or affiliated by corporate control. Any person while acting as a debt collector for another person, both of whom are related by common ownership or affiliated by corporate control, if the person acting as a debt collector does so only for persons to whom it is so related or affiliated and if the principal business of that person is not the collection of debts;
[PL 1985, c. 702, §2 (NEW).]

3. Officers or employees of the United States or any state. Any officer or employee of the United States or any state or agencies or instrumentalities of the State to the extent that collecting or attempting to collect any debt is in the performance of his official duties;
[PL 1985, c. 702, §2 (NEW).]

4. Persons serving legal process. Any person while serving or attempting to serve legal process on any other person in connection with the judicial enforcement of any debt;
[PL 1985, c. 702, §2 (NEW).]

5. Nonprofit organizations performing consumer credit counseling. Any nonprofit organization which, at the request of consumers, performs bona fide consumer credit counseling and assists consumers in the liquidation of their debts by receiving payments from those consumers and distributing those amounts to creditors;
[PL 1985, c. 702, §2 (NEW).]

6. Attorneys-at-law collecting debts on behalf of a client.
[PL 1993, c. 126, §2 (RP).]

7. Persons collecting debts owed or due to another. Any person collecting or attempting to collect any debt owed or due, or asserted to be owed or due, to another to the extent that the activity:

A. Is incidental to a bona fide fiduciary obligation or a bona fide escrow arrangement; [PL 1985, c. 702, §2 (NEW).]

B. Concerns a debt which was originated by that person; [PL 1985, c. 702, §2 (NEW).]

C. Concerns a debt which was not in default at the time it was obtained by that person; or [PL 1985, c. 702, §2 (NEW).]

D. Concerns a debt obtained by that person as a secured party in a commercial credit transaction involving the creditor; [PL 2009, c. 99, §1 (AMD).]

[PL 2009, c. 99, §1 (AMD).]

8. Collection activities related to the operation of a business. Any person whose collection activities are confined to and directly related to the operation of a business other than that of a debt collector, such as, but not limited to, financial institutions regulated under Title 9-B; and
[PL 2009, c. 99, §2 (AMD).]

9. Certain pretrial diversion programs for issuers of worthless checks. A private entity operating a worthless check enforcement program that meets the conditions set forth in section 11013-A, subsection 3.
[PL 2009, c. 99, §3 (NEW).]

SECTION HISTORY

PL 1985, c. 702, §2 (NEW). PL 1993, c. 126, §2 (AMD). PL 2009, c. 99, §§1-3 (AMD).

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