

BANKING DEPARTMENT

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Chapter Bkg 74

COLLECTION AGENCIES

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Bkg 74.01 Forms to be approved by commissioner of banks. All agreements, contracts, listing sheets, acknowledgment forms, form letters, or any other forms whatsoever to be used by any licensee in conducting its business shall be submitted to the commissioner for his approval and no such form or agreement shall be used until approved by the commissioner.

Bkg 74.02 Form of agreement to claimant. Upon receipt of any account for collection, the licensee shall furnish the claimant or forwarder with an agreement, listing or acknowledgment, a duplicate copy of which shall be kept in the office of the licensee. This agreement, listing or acknowledgment shall:

- (1) State the date the account was received;
- (2) Confirm the rate of charge and any other terms or conditions binding thereon;
- (3) List the accounts by name of debtor, amount to be collected, amount of authorized interest or other charges to be added;
- (4) Contain the following statement: "In the event that the license of this collection agency is terminated for any reason whatsoever, all accounts and any valuable papers which you have given to us in connection with your accounts shall be returned to you within 5 days of the termination of said license (unless upon written application an extension of time is granted by the commissioner of banks), and any agreement between you and this collection agency is automatically cancelled as of the date on which said license is terminated. If any of the above referred to accounts are in the hands of attorneys or others at the termination of said license, such attorneys or others shall immediately be notified by us to thereafter correspond, remit and be solely responsible direct to you on all such accounts. In case of death, the accounts shall be returned within a reasonable period of time, but in any event not to exceed 120 days."

Bkg 74.03 Remittance statement to claimant. Remittance due any claimant or forwarder within 30 days from the close of the month during which the collection was effected, as required by section 218.04 (5) (a) 4, Wis. Stats., shall be accompanied by a remittance statement setting forth:

- (1) Date of remittance;
- (2) Debtor's name;

- (3) Amount collected from the debtor;
- (4) Distribution of moneys collected showing:
 - (a) Amount due licensee as commission;
 - (b) Amount due claimant or forwarder;
- (5) The number and amount of the remittance check.

Bkg 74.04 Retention of duplicate statement. A duplicate copy of the remittance statement so furnished shall be kept available in the office of the licensee for at least 6 years.

Bkg 74.05 Books and records. Every licensee shall have available for inspection by the commissioner for a period of at least 6 years, adequate accounting records with respect to accounts placed with such licensee for collection, which shall include the following:

(1) The duplicate copy of the consecutively numbered receipt which the licensee is required to furnish the debtor for each payment received.

(2) A record of each debtor's account showing the following information:

- (a) Original amount owing and date of last credit or debit;
- (b) Authorized charges with a description thereof;
- (c) Date and amount of debtor's payments;
- (d) Amount retained by licensee as commission;
- (e) Amount and date of remittance made to claimant or forwarder;
- (f) Name and address of forwarder if licensee forwards account to some other individual or agency for collection.

(3) A master alphabetical listing by name and address of every claimant, forwarder or forwarder with whom the licensee engages in the business of collecting accounts.

Bkg 74.06 Disclosure of rates in advertising. If any mention of rates is made in any form of advertising or on any forms used by a licensee, the full rate or rates charged shall be stated and no reference shall be made to the average or aggregate rate.

Bkg 74.07 Licensee shall furnish report to claimant on written request. Every licensee shall furnish within 30 days after written request from the claimant or forwarder, a written report upon accounts received from such claimant or forwarder.

Bkg 74.08 Claimant may request return of accounts. The written request of a claimant or forwarder for the return of any account not in the actual process of collection shall be complied with by the licensee in writing within a reasonable length of time, but not in any event to exceed 30 days; said cancellation and return shall consist of listing the account by name of debtor, the uncollected balance due and the date of last payment by the debtor; in addition, all valuable papers furnished by the claimant or forwarder in connection with the account shall be returned.