

2024 -- S 2711

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS --
DECEPTIVE TRADE PRACTICES

Introduced By: Senator Jacob Bissaillon

Date Introduced: March 05, 2024

Referred To: Senate Commerce

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 6-13.1-20 of the General Laws in Chapter 6-13.1 entitled "Deceptive
2 Trade Practices" is hereby amended to read as follows:

3 **6-13.1-20. Credit reports — Definitions.**

4 As used in this chapter:

5 (1) "Credit bureau" means any entity or person who or that, for monetary fees, dues, or on
6 a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or
7 evaluating consumer credit information or other information on consumers for the purpose of
8 furnishing credit reports to third parties;

9 (2)(i) "Credit report" means any written, oral, or other communication of any information
10 by a credit bureau bearing on a consumer's credit worthiness, credit standing, or credit capacity,
11 that is used or expected to be used or collected in whole or in part for the purpose of serving as a
12 factor in establishing the consumer's eligibility for:

13 (A) Credit or insurance to be used primarily for personal, family, or household purposes;

14 (B) Employment purposes; or

15 (C) Other purposes authorized under the federal Fair Credit Reporting Act, 15 U.S.C. §
16 1681 et seq.

17 (ii) "Credit report" does not include:

18 (A) Any report containing information solely as to transactions or experiences between the

1 consumer and the person making the report;

2 (B) Any authorization or approval of a specific extension of credit directly or indirectly by
3 the issuer of a credit card or similar device;

4 (C) Any report in which a person who has been requested by a third party to make a specific
5 extension of credit directly or indirectly to a consumer conveys his or her decision with respect to
6 that request if the third party advises the consumer of the name and address of the person to whom
7 the request was made and the person makes the disclosures to the consumer required under the
8 federal Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq.; or

9 (D) Any report containing information solely on a consumer's character, general
10 reputation, personal characteristics, or mode of living that is obtained through personal interviews
11 with neighbors, friends, or associates of the consumer reported on, or with others with whom he or
12 she is acquainted or who may have knowledge concerning those items of information, only if the
13 report is not used in granting, extending, or decreasing credit.

14 (E) Any report containing information solely as to transactions or experiences between the
15 consumer and a health care provider for medical debt.

16 (3) "Medical debt" means an obligation or alleged obligation of a consumer to pay any
17 amount whatsoever related to the receipt of healthcare services, products, devices, durable medical
18 equipment or prescription drugs, included but not be limited to, those provided by a physician as
19 defined in § 27-9.2-4, a healthcare provider as defined in § 27-81-3, and emergency medical
20 transportation services provided pursuant to the provisions of chapter 4.1 of title 23.

21 "Medical debt" does not include debt charged to a credit card unless the credit card is issued
22 under an open-ended or closed-end plan offered specifically for the payment of healthcare services,
23 products, or devices provided to a person.

24 SECTION 2. Section 9-25-3 of the General Laws in Chapter 9-25 entitled "Execution" is
25 hereby amended to read as follows:

26 **9-25-3. ~~Limitation on issuance.~~Limitation on issuance and filing.**

27 Executions, original or alias, may be issued by any court at any time within six (6) years
28 from the rendition of the judgment originally or from the return day of the last execution provided
29 that, no execution shall be filed against a defendant's principal residence for a judgment in any
30 action where the plaintiff's claim against the defendant was based on medical debt. "Medical debt"
31 shall have the same meaning as defined in § 6-13.1-20.

32 SECTION 3. Sections 10-5-2, 10-5-7 and 10-5-8 of the General Laws in Chapter 10-5
33 entitled "Attachment" are hereby amended to read as follows:

34 **10-5-2. Procedure.**

1 (a) A court having jurisdiction over a defendant or his or her assets, including his or her
2 personal estate or real estate, may authorize a plaintiff to attach the defendant's assets, or any part
3 thereof, after hearing on a motion to attach, notice of which has been given to the defendant as
4 provided in this section. At the time of the commencement of the action, or at any time thereafter,
5 a plaintiff must file a motion in the court having jurisdiction for authority to attach the defendant's
6 assets, including his or her personal or real estate, and the attachment motion must state the day,
7 time and place of hearing and a copy must be served by the process server on the defendant or by
8 leaving it at his or her last and usual place of abode with some person there at least five (5) days
9 before the fixed date of hearing; provided that, no attachment shall be filed against a defendant's
10 principal residence, for a judgment in any action where the plaintiff's claim against the defendant
11 was based on medical debt. "Medical debt" shall have the same meaning as defined in § 6-13.1-20.

12 (b) If the defendant does not reside in the state, service of the attachment motion shall be
13 made upon him or her by mailing a copy of the motion to attach, by certified mail, to his or her last
14 known address and, if service is made in this manner, the plaintiff or his or her attorney must attach
15 the sender's receipt to an affidavit of compliance with this section by the plaintiff or his or her
16 attorney and filing it with the case in the court.

17 (c) If the plaintiff after diligent search and by affidavit avers that he or she does not know
18 of the defendant's address, service on the defendant of the motion to attach may after order of the
19 court be made by publication in some public newspaper, once, published in the town, city or county
20 where the defendant's assets are situated. If there is no public newspaper published in the town,
21 city or county where the defendant's assets are situated, then in some public newspaper published
22 in the city of Providence. Provided, however, that in all actions where the plaintiff's claim against
23 the defendant has been reduced to a judgment, the defendant's assets, including his or her personal
24 estate and real estate, may be attached and may be subject to trustee process as set out in chapter
25 17 of this title in the same action in which the judgment has been entered.

26 ~~10-5-7. Classes of property named in writ.~~ **Classes of property named in writ --**
27 **Limitation on filing execution .**

28 (a) Whenever a writ of attachment can be issued by any court, it may command the
29 attachment of:

- 30 (1) ~~the~~ The goods and chattels of the defendant; ~~and his or her~~
- 31 (2) The defendant's real estate; provided that, no attachment shall be filed against a
32 defendant's principal residence, for a judgment in any action where the plaintiff's claim against the
33 defendant was based on medical debt. "Medical debt" shall have the same meaning as defined in §
34 6-13.1-20; and

1 (3) The defendant's ~~his or her~~ personal estate in the hands or possession of any person,
2 copartnership or corporation, as ~~his or her~~ the trustee, except as provided in § 6A-7-602, and ~~his or~~
3 ~~her~~ the stock or shares in any banking association or other incorporated company, and may be
4 varied so as to command the attachment of one or more of the classes of property of the defendant.

5 **(b) A violation of the prohibition provided in subsection (a)(2) of this section shall**
6 **constitute slander of title.**

7 **10-5-8. Garnishment of wages restricted to amounts not exempt — Child support to**
8 **have priority.**

9 (a) Any writ of attachment, served as a writ of garnishment for the attachment of the
10 personal estate of the defendant in the hand and possession of any employer of the defendant, shall
11 be effective to attach so much only of such personal estate consisting of the salary or wages due
12 and payable to the defendant, or to become in the future due and payable to the defendant, as is in
13 excess of the amount of the defendant's salary or wages exempt by law from attachment except, no
14 garnishment of salary or wages shall issue against a defendant for a judgment in all actions where
15 the plaintiff's claim against the defendant was based on medical debt. "Medical debt" shall have
16 the same meaning as defined in § 6-13.1-20. ~~And the~~ The garnishee, being the defendant's
17 employer, shall be required to make affidavit and shall be held liable for the defendant's personal
18 estate consisting of the salary or wages due and payable to the defendant or to become in the future
19 due and payable to the defendant only in respect of the excess amount exempt from attachment.
20 Any writ of garnishment served under the provisions of this section shall state the judgment
21 amount, and the employer shall withhold sums not exempt by law until the amount of withholding
22 equals the amount of the judgment. The employer shall be entitled to the sum of five dollars (\$5.00),
23 payable directly from the employee to the employer, for each writ of garnishment served upon the
24 employer regarding any employee.

25 (b) Subject to any federal or state law to the contrary, any garnishment of wages for child
26 support issued pursuant to § 15-5-25, and any wage assignment pursuant to § 15-5-24, or chapter
27 16 of title 15 shall take priority over any garnishment issued in accordance with this section. This
28 priority shall occur whether or not the garnishment or assignment pursuant to § 15-5-24 or 15-5-25
29 or chapter 16 of title 15 occurs before or after any garnishment pursuant to this section. In addition,
30 consistent with federal and state law, the state court system may develop a system for the collection
31 of court imposed or assessed fines, costs, fees or other assessments, including restitution, through
32 wage assignment procedures.

1 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS --
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1 This act would prohibit credit bureau reporting of a consumer's medical debt. This act
2 would further prohibit the filing of an execution and attachment against a consumer's principal
3 residence for judgments based on medical debt. This act would further define medical debt as an
4 obligation of a consumer to pay an amount for the receipt of health care services, products, or
5 devices.

6 This act would take effect upon passage.

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