

Colorado Latest State to Define Debt Buyers as Debt Collectors; Will Others Soon Follow?

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On June 1, 2017, just two weeks before the U.S. Supreme Court's unanimous decision in [Henson v. Santander Consumer USA, Inc.](#), Colorado Governor John Hickenlooper signed the revised Colorado Fair Debt Collection Practices Act to specifically include debt buyers in the statute's definition of debt collectors. Colorado is now one of a small number of states that specifically include debt buyers under the law (including New York, California, and Washington). However, other states may follow suit. For instance, Oregon and Maine both have introduced bills to extend the definition of debt collector to include debt buyers. Considering that nearly two dozen state Attorneys General submitted amicus briefs to the Supreme Court in *Santander* in favor of including debt buyers in the definition of debt collector under the FDCPA, it is possible that more states may follow the lead of Colorado. Ultimately, the various legislatures will decide whether debt buyers should fall within the scope of the state-enacted versions of the FDCPA; but, debt buyers should note, it is likely that Colorado will not be the last state to enact such legislation. Just as Justice Gorsuch noted in his Opinion that these are matters for the legislature and not the Supreme Court to resolve, it appears that at least some states may just take Justice Gorsuch up on his offer and include debt buyers in the scope of their regulatory framework. Ironically, Justice Gorsuch's home state of Colorado leads the way.

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Topics

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