



**POLICY POSITIONS**  
**ADOPTED BY THE NARCA BOARD OF DIRECTORS**  
**JUNE 27, 2011**

**SERVICE OF PROCESS**

**NARCA supports reasonable measures<sup>1</sup> designed to ensure the reliability of service of process.** NARCA concurs with the FTC that service of process issues should be addressed at the state and local level.<sup>2</sup> NARCA supports service of process that provides the consumer notice of the collection lawsuit and an opportunity for hearing.

**STATUTES OF LIMITATION**

**NARCA supports the proposition that suit against debtors should not be knowingly filed beyond the applicable forum state's statute of limitation.** NARCA concurs with the FTC that, ideally, statutes of limitation for consumer debt should be clear, simple and uniform.<sup>3</sup>

**PLEADINGS**

**NARCA supports reasonable measures designed to provide consumers with relevant information pertaining to the account upon which suit has been filed.** Consumers must have sufficient notice to recognize and understand the debt on which the complaint is based.<sup>4</sup>

**EXEMPT FUNDS**

**NARCA supports reasonable measures designed to prevent garnishing exempt funds in consumers' bank accounts.** NARCA supports the "look back" approach effective May 1, 2011, pursuant to issuance of Title 31, Part 212, of the Code of Federal Regulations (U.S. Department of the Treasury interim final rule with request for comments).<sup>5</sup>

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<sup>1</sup> As used herein, a "reasonable measure" is one that will "protect consumers without unduly burdening legitimate debt collection." Federal Trade Commission (FTC), *Repairing a Broken System: Protecting Consumers in Debt Collection Litigation and Arbitration (July 2010)*, p. vi.

<sup>2</sup> *Id.* at 10.

<sup>3</sup> *Id.* at 25.

<sup>4</sup> With regard to credit card debt, the charge-off balance is inherently reliable and regulated by federal law.

<sup>5</sup> <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=4219488b770a685039e0b0d1ed669795&rgn=div5&view=text&node=31:2.1.1.1.10&idno=31.>