

Glossary of Common Debt Collection Terms

English

September 2020

常見債務催收術語詞彙表

繁體中文
(Traditional Chinese)

2020 年 9 月

About the Glossary

To help consumers during the debt collection process, the Department of Consumer and Worker Protection (DCWP)* created this glossary, which includes commonly used terms in debt collection communications plus references (laws, agencies) important for consumers to know. Bilingual glossaries in the top 10 languages spoken by New Yorkers with limited English proficiency are available at nyc.gov/dca

Note:

- *Italicized words* in descriptions are also defined in the glossary.
- Unless stated otherwise, all descriptions reflect New York City laws and rules.
- This glossary is not intended as legal advice.

*DCWP is the Agency's new name. In all references, DCWP also means DCA (Department of Consumer Affairs), the Agency's old name. The Agency is in the process of implementing the legal name change in public information. In the meantime, DCWP and DCA are the same City Agency.

關於詞彙表

為了在債務催收的過程中幫助消費者，消費者和勞工保護部 (Department of Consumer and Worker Protection, DCWP)* 建立了本詞彙表，其中包括債務催收通訊中常用的術語以及消費者需要瞭解的重要參考文獻（法律、機構）。英語能力有限的紐約人可在 nyc.gov/dca 獲取紐約 10 大語言版本的雙語詞彙表。

注意：

- 描述中斜體字的定義也可以在詞彙表中找到。
- 除非另有聲明，否則所有描述都反映紐約市的法律和規則。
- 此詞彙表並非法律建議。

*DCWP 是本機構的新名稱。在所有參考文獻中，消費者和勞工保護部 (DCWP) 同樣也稱為消費者事務局 (Department of Consumer Affairs, DCA)，即本機構的舊名稱。本機構正在實行公共資訊中的法定名稱變更。在此同時，DCWP 和 DCA 指的是同一個城市機構。

Glossary / 詞彙表

A

Abusive language

Swear words (or curse words) or any words that insult or offend.

A *debt collector* may not use abusive language when attempting to collect a *debt*. This includes in writing or when speaking to consumers.

辱罵性語言

咒罵（或詛咒）或任何侮辱或冒犯的話。

*債務催收人*在催收*債務*時不得使用辱罵性語言。這包含書面催收或與消費者交談時。

Account

A record or file of a *debt*.

A *debt collector* often refers to an account when claiming a consumer owes money.

帳戶

*債務*的記錄或檔案。

*債務催收人*聲稱消費者拖欠金錢時經常提到的帳戶。

Accrued interest

The amount of *interest* (cost to borrow money or purchase goods and services on credit) added to a *debt*, which increases the amount of money a borrower owes.

Consumers have a right to request an *itemization of a debt* showing accrued interest and to *dispute a debt*.

應計利息

新增到*債務*中的*利息*金額（借錢或以信用貸款購買商品和服務的成本）會增加借款人所欠的金額。

消費者有權要求列出應計利息的*逐項債務明細*，並有權對*債務*提出異議。

Arrears

An unpaid and overdue *debt*.

欠款

未支付與逾期的*債務*。

B

Bankruptcy discharge

A court order that means a consumer does not have to pay a *debt* and a *creditor* or *collector* may no longer attempt to collect the debt.

破產解除

一項法院命令，意味著消費者不必償還*債務*，以及*債權人*或*催收人*不得再試圖催收債務。

Better Business Bureau (BBB)

A private nonprofit organization that promotes ethical marketplace practices.

In addition to filing a complaint with DCWP, consumers can file a complaint about a *debt collector* with BBB.

DCWP:

Call 311 or visit nyc.gov/dca

BBB:

Visit bbb.org and click "File a Complaint."

商業改進局 (Better Business Bureau, BBB)

促進道德市場實踐的私人非營利組織。

除了向 DCWP 投訴外，消費者還可以向 BBB 投訴 *債務催收人*。

DCWP :

請撥打 311 或造訪 nyc.gov/dca

BBB :

請造訪 bbb.org 並按一下「File a Complaint」（投訴）。

Cease communication letter

A letter a consumer may send to a *debt collector* demanding that the collector stop any further contact with the consumer about an *account*. A consumer may send the letter at any time in the *collection* process.

Instructions and a template Cease Debt Collection Communication Letter are available at nyc.gov/dca

停止通訊函件

消費者可以向 *債務催收人* 發送函件，要求催收人停止與消費者就 *帳戶* 事宜進行任何進一步的聯繫。消費者可以在 *催收* 過程中的任何時候發送函件。

可以在 nyc.gov/dca 查閱停止債務催收通訊函件的說明和範本。

Charge off

Any amount that a *creditor* no longer expects to be repaid and writes off as a bad debt for accounting purposes even though the debt is still owed.

A charge off appears on a consumer's *credit report*.

註銷額

儘管借款人仍未償還債務，但 *債權人* 不再期望其償還並將債務作為呆帳註銷的任何金額。

消費者的 *信用報告* 中會顯示註銷額。

Collection

The process of seeking money claimed to be owed.

Debt collectors must obey federal, State, and New York City laws and rules about what they can and cannot do in the collection process.

催收

追尋聲稱欠債款項的過程。

債務催收人 必須遵守聯邦、州和紐約市的法律和規則，了解他們在催收過程中可以做和不可以做的事情。

Collection fees

A fee (or charge) that a *debt collector* adds to the amount it attempts to collect from a consumer. The fee must be authorized by an agreement or permitted by law.

Consumers have a right to request an *itemization of a debt* showing any collection fees and to *dispute a debt*.

催收費用

債務催收人 在試圖向消費者催收的金額上加上的費用（或收費）。該費用 必須 經協議授權或法律允許。

消費者有權要求列出催收費用的 *逐項債務明細*，並有權 *對債務提出異議*。

Collector (See Debt collector)**催收人（請參閱債務催收人）****Communication disclosures**

In all letters and conversations with consumers, *debt collectors* must disclose:

- a call-back number to a phone that is answered by a natural person;
- the name of the debt collector;
- the *original creditor* of the debt;
- the name of the person to call back; and
- the amount of the *debt* at the time of the communication.

In all letters to consumers, debt collectors must include their *DCWP license number*. An example is 1234567-DCA.

通訊揭露

在與消費者的所有信件和談話中，*債務催收人* 必須揭露：

- 由自然人接聽的電話回撥號碼；
- 債務催收人的姓名；
- 債務的 *原始債權人*；
- 回電人的姓名；以及
- 通訊時的 *債務金額*。

在所有給消費者的信件中，債務催收人必須包含其 *DCWP 許可證號碼*。範例：1234567-DCA。

Consumer Financial Protection Bureau (CFPB)

A U.S. government agency that enforces federal consumer financial laws and protects consumers in the financial marketplace.

In addition to filing a complaint with DCWP, consumers can file a complaint about a *debt collector* with CFPB.

DCWP:

Call 311 or visit nyc.gov/dca

CFPB:

Visit consumerfinance.gov and click "Submit a Complaint."

消費者金融保護局 (Consumer Financial Protection Bureau, CFPB)

負責執行聯邦消費者金融法和保護金融市場上的消費者的美國政府機構。

除了向 DCWP 投訴外，消費者還可以向 CFPB 投訴債務催收人。

DCWP :

請撥打 311 或造訪 nyc.gov/dca

CFPB :

請造訪 consumerfinance.gov 並按一下「Submit a Complaint」（提交投訴）。

Consumer Reporting Agencies (CRA) (See Credit Bureaus)

消費者報告機構 (Consumer Reporting Agencies, CRA) (請參閱信用機構)

Contact and call frequency restrictions

A *debt collector* may contact a consumer at most two times in a seven-day period and only between 8:00 a.m. and 9:00 p.m. Eastern Standard Time (EST).

Debt collectors may not contact consumers at work if the collector is aware that a consumer's employer does not allow such contact.

聯繫和通話頻率限制

債務催收人在七天內最多可以與消費者聯繫兩次，且只能在東部標準時間 (Eastern Standard Time, EST) 早上 8:00 至晚上 9:00 之間聯繫。

如果債務催收人知道消費者的雇主不允許此類聯繫，則債務催收人不得在工作時聯繫消費者。

Contest a debt (See Dispute a debt)

駁斥債務 (請參閱對債務提出異議)

Credit

The ability of a consumer to borrow money with the promise to repay it, plus any interest and fees, at a later date. As examples, credit includes loans and credit cards.

信用

消費者借錢的能力，並承諾在日後償還加上任何利息和費用之金額。例如，信用包含貸款和信用卡。

Credit Bureaus

(also *Credit Reporting Agencies, Consumer Reporting Agencies*)

Private companies that collect and share consumer credit information and make it available on *credit reports*.

The main credit bureaus in the U.S. are Equifax, Experian, and TransUnion.

Consumers can dispute incorrect information on their credit report, including if they have been a victim of identity theft.

信用機構

(也稱為信用報告機構、消費者報告機構)

收集和共享消費者信用資訊並在信用報告中提供資訊的私人公司。

美國的主要信用機構有 Equifax、Experian 和 TransUnion。

消費者可以就信用報告中的錯誤資訊提出異議，包括他們是否是身份竊盜的受害者。

Credit Report

A record of a consumer's credit history, as reported by creditors and other sources, including:

- employment;
- addresses;
- credit inquiries;
- credit cards and loans;
- *accounts*;
- liens;
- wage *garnishments*; and
- other data.

Consumers can request free credit reports at [AnnualCreditReport.com](https://www.annualcreditreport.com). Due to COVID-19, consumers can get free online reports more frequently than once a year. Monitor the website for updates.

信用報告

由債權人和其他來源報告的消費者信用記錄，包括：

- 就業情況；
- 地址；
- 信用查詢；
- 信用卡與貸款；
- *帳戶*；
- 留置權；
- 工資*扣發*；以及
- 其他資料。

消費者可以在 [AnnualCreditReport.com](https://www.annualcreditreport.com) 上申請免費信用報告。由於 COVID-19 疫情的影響，消費者可以更頻繁地取得免費線上報告。關注網站以取得最新資訊。

Credit Reporting Agencies (See Credit Bureaus)

信用報告機構 (請參閱信用機構)

Creditor (also Original Creditor)

A person, company, or entity to whom the *debt* is claimed to be owed. The original creditor is the person or business that provided the original service, product, or credit that is the source of a debt collection attempt.

A creditor may collect debt on its own or use third-party *debt collectors* to attempt to collect a debt.

債權人 (也稱為原始債權人)

聲稱被拖欠款*債務*的個人、公司或機構。原始債權人是指提供原始服務、產品或信用的個人或企業，為債務催收嘗試的來源。

債權人可以自行催收債務，也可以利用第三方*債務催收人*嘗試催收債務。

Current balance (also Outstanding balance)

The total amount claimed to be owed.

Consumers have a right to request an *itemization of a debt* that shows the current or outstanding balance.

目前餘額 (也稱為未償還餘額)

聲稱的欠款總金額。

消費者有權要求列出目前或未償還餘額的*逐項債務明細*。

D

DCWP license number

A number assigned by DCWP to a licensed *debt collector*. An example is 1234567-DCA.

Debt collectors must include their DCWP license number on all written communications.

DCWP 許可證號碼

DCWP 分配給許可*債務催收人*的號碼。範例：1234567-DCA。

債務催收人必須在所有書面通訊上包含其 DCWP 許可證號碼。

Debt

The money a consumer owes, or is alleged to owe, a *creditor*.

Consumer debt is debt related to personal, family, or household purposes.

Consumers have a right to request an *itemization of a debt* and to *dispute a debt*.

債務

消費者欠債權人或遭指控欠債權人的錢。

消費者債務是指與個人、家人或家庭目的相關的債務。

消費者有權要求列出逐項債務明細，並有權對債務提出異議。

Debt collector

(also *Collector, Debt Collection Agency*)

A private company or person—including a debt collection attorney or law firm—that attempts to collect personal or household debt from New York City residents. The debt collector may:

- own the debt (purchased from a *creditor*) and collect for itself; OR
- be hired by a creditor or other company to assist in collecting the debt.

Both in-State and out-of-State debt collectors must have an active DCWP license and obey New York City laws and rules. To verify if a debt collector is licensed, consumers can:

- Visit nyc.gov/dca and click “Search for a DCA Licensee” in the For Consumers & Workers module.
- Contact 311 (212-NEW-YORK outside NYC) and say “Business Background Check.”

債務催收人

(也稱為催收人、債務催收機構)

試圖向紐約市居民催收個人或家庭債務的私人公司或個人（包括債務催收律師或律師事務所）。債務催收人可能：

- 擁有債務（從債權人處購買）並自行催收；或
- 受雇於債權人或其他公司，以協助催收債務。

州內和州外的債務催收人都必須持有有效的 DCWP 許可證，並遵守紐約市的法律和規則。若要驗證債務催收人是否取得許可證，消費者可以：

- 造訪 nyc.gov/dca 並在消費者和勞工單元處按一下「Search for a DCA Licensee」（搜尋 DCA 許可證持有人）。
- 撥打 311（紐約市以外請撥打 212-NEW-YORK）並說出「Business Background Check」（企業背景查詢）。

Debt settlement or payment plan

An agreement by the *debt collector* to accept from the consumer an amount less than the originally claimed balance either as a payment in full or as scheduled partial payments.

The debt collector must send the consumer, within five business days, a letter confirming the agreement which must include:

- name and address of the consumer;
- date the agreement was made;
- name of the *original creditor*;
- amount due and the due date of each payment;
- name of the debt collector;
- name of the debt collector employee, or employee’s supervisor, who reached the agreement;
- address where the consumer should mail payments; and
- any other terms or conditions of the agreement.

債務清理或償還計畫

債務催收人同意從消費者處接受少於最初聲稱的餘額金額，作為全額付款或按計畫部分付款。

債務催收人必須在五個工作日內向消費者發送確認協議的信函，其中必須包括：

- 消費者的姓名和地址；
- 協議簽訂日期；
- 原始債權人的姓名；
- 到期應付金額和每次付款的到期日；
- 債務催收人的姓名；
- 達成協議的債務催收人員工或員工主管的姓名；
- 消費者應郵寄付款的地址；以及
- 該協議的任何其他條款或條件。

<p>Debtor A consumer who owes or is claimed to owe money to a <i>creditor</i>.</p>	<p>債務人 欠債或遭聲稱欠債權人錢的消費者。</p>
<p>Default (also <i>Defaulting on a debt</i>)</p> <p>Failure to meet the repayment obligations on a <i>debt</i>.</p> <p>A default can occur when a consumer:</p> <ul style="list-style-type: none"> • is unable to make timely payments; • misses payments; or • avoids or stops making payments. 	<p>違約 (也稱為<i>債務違約</i>)</p> <p>未能履行<i>債務</i>償還之義務。</p> <p>消費者有以下行為時視為違約：</p> <ul style="list-style-type: none"> • 無法及時付款； • 錯過付款；或 • 避免或停止付款。
<p>Default Judgment A court decision against a consumer who fails to answer or defend a lawsuit brought by a <i>creditor</i> or its <i>debt collector</i>.</p> <p>A default judgment is different than <i>default</i> or <i>defaulting on a debt</i>.</p> <p>A consumer may seek to have a default judgment vacated (removed) by making a request to the court after the default judgment is entered.</p>	<p>違約判決 法院對消費者未能在債權人或其債務催收人提起的訴訟中應訴或抗辯時的判決。</p> <p>違約判決不同於<i>違約</i>或<i>債務違約</i>。</p> <p>消費者可以在法院做出違約判決後，請求法院撤銷（移除）違約判決。</p>
<p>Defaulting on a debt (See Default)</p>	<p>債務違約（請參閱<i>違約</i>）</p>
<p>Delinquent debt An <i>account</i> on which a payment is past due.</p> <p>A <i>creditor</i> may report the past due account to a <i>credit bureau</i>.</p> <p>If an account becomes sufficiently delinquent, the consumer may be in <i>default</i> and a creditor may <i>charge off</i> the account.</p>	<p>拖欠債務 逾期付款的帳戶。</p> <p>債權人可以向信用機構報告逾期帳戶。</p> <p>如果該帳戶嚴重拖欠債務，消費者可能<i>違約</i>，而債權人可以註銷該帳戶。</p>

Dispute a debt

(also *Contest a debt*)

Consumers who do not recognize a *debt* or do not agree that they owe the amount of debt claimed may contest all or part of the debt verbally and/or in writing.

Under federal, State, and New York City laws, in disputing a debt, consumers have a right to:

- say they do not recognize the debt or owe the debt as claimed;
- request the name and address of the *original creditor* if different from the current one; and
- request that the *debt collector* provide information to show that the debt belongs to the consumer and/or that the amount is correct. (See *verification of a debt*.)

對債務提出異議

(也稱為駁斥債務)

不承認債務或不同意其所欠債務金額的消費者可透過口頭和/或書面形式駁斥全部或部分債務。

根據聯邦、州和紐約市的法律，對債務提出異議時，消費者有權：

- 說他們不承認債務或所欠債務並不如所聲稱的那樣；
- 要求提供原始債權人的姓名和地址（如果與目前債權人不同）；以及
- 要求債務催收人提供資訊，以證明債務屬於消費者和/或金額正確。（請參閱債務驗證書。）

E

Exempt funds

Money that may not be taken by most *creditors* or *debt collectors* to satisfy a *judgment*.

Consumers may choose to use exempt funds to pay a *debt*, but a creditor or debt collector cannot freeze or forcibly take these funds from consumers' bank accounts to pay a judgment.

豁免資金

不可被多數債權人或債務催收人拿來賠償判決的金錢。

消費者可以選擇使用豁免資金來償還債務，但是債權人或債務催收人不能凍結消費者銀行帳戶中的這些資金或強行從中用這些資金來償還判決。

Exempt Income Protection Act (EIPA)

New York State law that automatically protects a certain amount of money in a consumer's bank account from being frozen or taken by *debt collectors*.

Under the EIPA, if any funds in a consumer's bank account are frozen, the bank must provide the consumer with certain forms, called Exemption Claim Forms. The consumer may use these forms to claim that the frozen funds are exempt.

The following funds (in alphabetical order) are typically exempt from being frozen or garnished:

- Black lung benefits
- Child support payments
- Public assistance (for example, Temporary Assistance for Needy Families)
- Public or private pensions
- Railroad Retirement Board benefits
- Social Security, including retirement, survivors, and Disability benefits
- Spousal support or maintenance
- Supplemental Security Income
- Unemployment Insurance
- Veterans Affairs benefits
- Workers' compensation

豁免收入保護法案

(Exempt Income Protection Act, EIPA)

這項紐約州法律會自動保護消費者銀行帳戶中的某些資金，使其不會被債務催收人凍結或提取。

根據 EIPA 規定，如果消費者銀行帳戶中的任何資金遭到凍結，銀行必須向消費者提供豁免聲明表格。消費者可以使用這些聲明表格來主張遭到凍結資金是豁免資金。

以下資金（按字母順序排列）通常可免於被凍結或扣發：

- 肺塵病福利
- 子女撫養費
- 公共援助（例如貧困家庭臨時援助）
- 公共或私人退休金
- 鐵路退休局福利
- 社會安全津貼，包括退休金、遺屬和殘障福利
- 配偶贍養費
- 補充安全金收入
- 失業保險金
- 退伍軍人事務部福利
- 勞工賠償金

F

Fair and Accurate Credit Transaction Act (FACTA)

Federal law that allows consumers to request and obtain a free *credit report* once every 12 months from each of the three nationwide consumer *credit bureaus*.

Note: Due to COVID-19, consumers can visit [AnnualCreditReport.com](https://www.annualcreditreport.com) to get free online reports more frequently than once a year. Monitor the website for updates.

公平準確信用交易法案 (Fair and Accurate Credit Transaction Act, FACTA)

這項聯邦法律允許消費者每 12 個月向全國三家消費者信用機構各申請一次免費信用報告。

*注意：*由於 COVID-19 疫情影響，消費者可以造訪 [AnnualCreditReport.com](https://www.annualcreditreport.com) 更頻繁地取得免費線上報告。關注網站以取得最新資訊。

Fair Credit Reporting Act (FCRA)

Federal law that promotes the accuracy, fairness, and privacy of information in the files of *consumer reporting agencies* and gives consumers the right to see their own *credit reports* and to dispute errors.

公平信用報告法案

(Fair Credit Reporting Act, FCRA)

這項聯邦法律提高了消費者報告機構檔案中資訊的準確性、公平性和隱私性，並讓消費者有權查看自己的信用報告並對錯誤提出異議。

Fair Debt Collection Practices Act (FDCPA)

Federal law governing *collection* activity by *debt collectors* that:

- prohibits abusive practices in the collection of consumer debts;
- prohibits unfair and deceptive debt collection practices; and
- gives consumers the right to *dispute a debt* and get a *validation notice* to ensure the accuracy of an alleged debt.

The Act also:

- creates guidelines for how debt collectors may conduct business;
- defines consumer rights when dealing with debt collectors; and
- includes penalties and remedies for violations of the Act.

公平債務催收實踐法案 (Fair Debt Collection Practices Act, FDCPA)

這項聯邦法律管轄 *債務催收人* 的 *催收活動*：

- 禁止在催收消費者債務中施以辱罵行為；
- 禁止不公平和欺騙性的債務催收行為；以及
- 讓消費者有權 *對債務提出異議* 並獲得 *驗證通知函*，以確保所稱債務的準確性。

這項法案亦：

- 制定債務催收人如何實施催收業務的規定；
- 定義消費者與債務催收人交涉時的權利；以及
- 包括違反該法案的處罰和補救措施。

Fake debt (See Phantom debt)

不實債務 (請參閱幽靈債務)

Federal Trade Commission (FTC)

A federal government agency that enforces consumer protection and U.S. antitrust laws.

In addition to filing a complaint with DCWP, consumers can file a complaint about a *debt collector* with the FTC.

DCWP:

Call 311 or visit nyc.gov/dca

FTC:

Visit ftc.gov/complaint or call toll-free 1-877-FTC-HELP (1-877-382-4357).

聯邦貿易委員會

(Federal Trade Commission, FTC)

這個聯邦政府機構會強制執行消費者保護法和美國反托拉斯法。

除了向 DCWP 投訴外，消費者還可以向 FTC 投訴 *債務催收人*。

DCWP :

請撥打 311 或造訪 nyc.gov/dca

FTC :

請造訪 ftc.gov/complaint 或撥打免付費電話 1-877-FTC-HELP (1-877-382-4357)。

G

Garnishment / Income Execution

The act of requiring a *debtor's* employer to withhold a portion of the debtor's wages to pay a *creditor* that has obtained a court order. Unless otherwise authorized by law, a *debt collector* must obtain a court order or *judgment* to carry out a garnishment or income execution.

扣發/薪資扣押

要求 *債務人* 的雇主代扣債務人工資的一部分來支付已獲得法院命令的 *債權人* 的行為。除非法律另有授權，否則 *債務催收人* 必須獲得法院命令或 *判決* 才能進行扣發或薪資扣押。

H

Harassment

The use of pressure, annoyance, intimidation, or abuse in the attempted collection of a *debt*.

Debt collectors may not harass consumers. Examples of illegal conduct are:

- using or threatening to use violence to harm a person, their reputation, or their property;
- threatening someone with a criminal warrant;
- using obscene, profane, or *abusive language*; and
- causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously.

騷擾

在試圖催收債務時施以壓力、煩擾、恐嚇或虐待。

債務催收人不得騷擾消費者。不合法行為的範例包括：

- 使用或威脅使用暴力來傷害他人、其聲譽或財產；
- 以刑事逮捕令威脅他人；
- 使用淫穢、褻瀆或辱罵性語言；以及
- 讓電話重複或連續響鈴，或讓任何人重複或連續接電話。

Interest

The cost of borrowing money or buying goods or services on *credit*. It is typically calculated as a percentage of the amount due.

利息

借錢或使用信用購買商品或服務的成本。通常以到期應付金額的百分比計算。

Itemization of a debt

A list or breakdown that must include:

- amount of the debt when the *original creditor* sent it to collection;
- amount of any *accrued interest*;
- amount of any other *collection fees* and charges; and
- any payments made by the consumer.

A *debt collector* must give consumers an itemization of each debt upon request.

逐項債務明細

一份清單或明細，內容必須包含：

- 原始債權人將債務委託催收時的金額；
- 任何應計利息的金額；
- 任何其他催收費用和收費的金額；以及
- 消費者支付的任何款項。

債務催收人必須根據要求為消費者提供逐項債務明細。

J

Judgment

An order issued by a court stating the outcome of a lawsuit.

判決

法院簽發的命令，說明訴訟的結果。

L

Limited English Proficient (LEP)

A term that refers to individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.

英文能力有限

(Limited English Proficient, LEP)

這個詞彙是指英語不是主要語言，而且聽說讀寫或理解英語的能力有限者。

M

Mini-Miranda Warning

A statement that *debt collectors* must use at the beginning of any communication with a consumer, both in letters and calls. The warning lets consumers know that anything they say and any information they give may be used to collect the *debt*, including in court.

Most debt collectors record *collection* calls.

Misrepresentation

The use of false, deceptive, or misleading practices in debt collection.

Debt collectors may not make misrepresentations to consumers, including:

- falsely representing or implying that the debt collector is an attorney, legal office, government agency, marshal, or sheriff;
- falsely representing or implying that the consumer committed a crime, or that nonpayment of any debt will result in the consumer's arrest or imprisonment or the seizure, *garnishment*, attachment, or sale of the consumer's property or wages unless the action is lawful and the debt collector or *creditor* intends to pursue it; or
- reporting, or threatening to report, inaccurate credit information to a *credit bureau*.

迷你米蘭達 (Mini-Miranda) 警告

*債務催收人*在以信函和電話形式與消費者開始進行任何通訊時，必須發出的聲明。該警告可讓消費者知道，他們所說的任何話以及提供的任何資訊（包括在法庭上），都可以用來催收 *債務*。

大多數債務催收人都會對 *催收* 電話錄音。

不實陳述

在催收債務時使用虛假、欺騙性或誤導性的做法。

*債務催收人*不得向消費者做出不實陳述，包括：

- 不實陳述或暗示債務催收人是律師、法律辦公室、政府機構、法警或警察局局長；
- 不實陳述或暗示消費者犯了罪，或不償還任何債務將導致消費者遭到逮捕或監禁或收押、*扣發*、留置或出售消費者的財產或工資，除非此類行為是合法且債務催收人或 *債權人* 計劃進行的；或者
- 向 *信用報告機構* 報告或威脅報告不準確的信用資訊。

O

Original Creditor (See Creditor)

原始債權人（請參閱債權人）

Outstanding Balance (See Current Balance)

未償還餘額（請參閱目前餘額）

P

Payday Loans

A high-interest loan borrowed against a consumer's next paycheck.

Payday loans are illegal in New York.

發薪日貸款

以消費者下次的工資為抵押的高息貸款。

發薪日貸款在紐約是不合法的。

Phantom debt (also *Fake debt*)

Debt that is entirely made up and that a consumer does not owe.

Phantom debt schemes have typically involved individuals or businesses that use fictitious names that imply they are lawyers or affiliated with a law firm. The schemers threaten serious consequences if consumers don't pay, including:

- being sued;
- being arrested at work;
- having a bank account closed;
- having wages *garnished*; or
- being forced to appear in court.

The schemers generally do not hold DCWP licenses.

Consumers have a right to request *verification of a debt* from *debt collectors*.

Principal

The initial amount of the *debt* or the amount that remains unpaid by a consumer. It does not include *collection fees* and *interest*.

幽靈債務 (也稱為不實債務)

完全虛構且消費者沒有欠下的債務。

幽靈債務計謀通常涉及使用虛構名字的個人或企業，這些名字會暗示其為律師或與律師事務所所有聯繫。計謀者威脅如果消費者不付款將導致嚴重後果，包括：

- 遭到起訴；
- 工作時被逮捕；
- 銀行帳戶遭到關閉；
- 工資遭到扣發；或
- 被迫出庭。

計謀者通常都沒有 DCWP 許可證。

消費者有權向債務催收人索取債務驗證書。

本金

債務的初始金額或消費者仍未償還的金額。不包括催收費用和利息。

S

Statute of Limitations

(also *Time-barred debt*)

A certain time after which a *debt collector* may no longer sue a consumer to collect a *debt*.

Debt collectors may not attempt to collect an old debt whose statute of limitations passed unless they tell consumers:

- the legal time limit (statute of limitations) to sue to collect the debt has expired;
- consumers do not have to admit to owing the debt, promise to pay the debt, or give up rights regarding the statute of limitations;
- if sued, consumers may defend the case by informing the court that the statute of limitations has expired to prevent the *creditor* from obtaining a *judgment*; and
- any payment consumers make on an old debt will restart the creditor's right to sue.

訴訟時效

(也稱為已逾時效債務)

經過一定時間之後，債務催收人不能再透過起訴消費者催收債務。

債務催收人不得試圖催收已逾訴訟時效的舊債，除非告知消費者以下事項：

- 提起催收債務訴訟的法定時限（訴訟時效）已經到期；
- 消費者不必承認欠債、承諾償還債務或放棄有關訴訟時效的權利；
- 如果消費者遭到起訴，可以通知法院訴訟時效已經過期，藉此為案件辯護，防止債權人獲得判決；以及
- 消費者支付任何款項償還舊債將重新啟動債權人的起訴權。

Substantiation of a debt

(See **Verification of a debt**)

債務舉證

(請參閱債務驗證書)

Time-barred debt (See Statute of Limitations)**已逾時效債務**（請參閱訴訟時效）**Tradeline**

A term for a credit *account* on a consumer's *credit report*. There is a separate tradeline each time a consumer is approved for *credit*. Tradelines include, but are not limited to:

- credit limit;
- current balance;
- payment history; and
- lender names and addresses.

貿易線

這是消費者**信用報告**中**信用帳戶**所用的詞彙。每次批核消費者的**信用**時，都會有一條單獨的貿易線。貿易線包括但不限於：

- 信用額度；
- 目前餘額；
- 付款記錄；以及
- 貸款人的姓名和地址。

Validation Notice

A letter a *debt collector* must give consumers within five days after first contacting them that contains general information about the *debt* and consumer rights.

This notice must tell consumers they have a right to *dispute a debt* and to request *verification of a debt* from the debt collector. Other required disclosures include:

- the amount of the debt;
- the name of the current *creditor*;
- a statement that, upon consumer request and within 30 days, the debt collector will provide the name and address of the *original creditor*;
- the address where consumers should mail a letter to dispute a debt;
- the debt collector's *DCWP license number*;
- the name of the debt collector as it appears on the DCWP license;
- a call-back number to a phone that is answered by a natural person;
- the name of the person to call back;
- if the consumer may obtain from the debt collector any communications in a language other than English;
- a statement that this glossary of common debt collection terms is available in multiple languages on the DCWP website nyc.gov/dca.

驗證通知函

債務催收人必須在首次聯絡消費者的後五天內，向消費者寄送一封信函，其中包括有關**債務**和消費者權利的一般資訊。

這份通知函必須告知消費者他們有權對**債務**提出異議，也有權向債務催收人索取**債務驗證書**。其他必須揭露資訊包括：

- 債務金額；
- 目前**債權人**的姓名；
- 一份聲明，債務催收人須應消費者要求在 30 天內提供**原始債權人**的姓名和地址；
- 消費者要對債務提出異議時寄送信函的地址；
- 債務催收人的 **DCWP 許可證號碼**；
- DCWP 許可證上顯示的債務催收人的姓名；
- 由自然人接聽的電話回撥號碼；
- 回電人的姓名；
- 消費者是否可以從債務催收人處獲得英語以外的任何語言通訊；
- 一份聲明，說明 DCWP 網站 nyc.gov/dca 上提供這份常用債務催收術語詞彙表的多種語言版本。

Verification of a debt

(also *Substantiation of a debt*)

A consumer has a right to request that the *debt collector* provide documentation to show that the *debt* belongs to the consumer and/or that the amount is correct.

In response to a consumer's request for verification of the debt, the debt collector must do the following:

- Provide written documentation from the *creditor*—not the creditor's debt collector—confirming the debt. An example is a copy of a final statement (bill) by the *original creditor* showing the amount owed.
- Stop all *collection* activity and consumer contact until the verification is provided.

債務驗證書

(也稱為*債務舉證*)

消費者有權要求*債務催收人*提供文件，以證明*債務*屬於消費者和/或金額正確。

為了因應消費者的債務驗證要求，債務催收人必須採取以下行動：

- 提供*債權人*（而非債權人的債務催收人）的書面確認債務文件。例如一份*原始債權人*最終聲明（票據）的影本，其中指出所欠的金額。
- 停止所有*催收*活動和消費者聯絡活動，直到提供驗證為止。

Z

Zombie debt

Debt that is very old and no longer owed but that a *debt collector* suddenly seeks to collect.

Zombie debt may include:

- debt already settled;
- debt from a *bankruptcy discharge*;
- *time-barred debt*;
- debt that no longer shows up on a consumer's *credit report*; and
- debt never owed.

Consumers have a right to *dispute a debt* and request that the debt collector provide *verification of a debt*.

殭屍債務

非常久遠且不再拖欠，但是*債務催收人*卻突然進行催收的*債務*。

殭屍債務可能包括：

- 已經清償的債務；
- *破產解除*所產生的債務；
- *已逾時效債務*；
- 不再顯示於消費者*信用報告*中的債務；以及
- 從未欠下的債務。

消費者有權對*債務*提出異議，並有權要求債務催收人提供*債務驗證書*。