

Debt Collector's Guide

to FDCPA and Service in Oklahoma

— — — A Compliance Guide for Collection Professionals — — —

This guide covers federal rules for debt collection. It explains the Fair Debt Collection Practices Act (FDCPA) and how it affects service of collection documents in Oklahoma.

Just Legal Solutions | Oklahoma Process Serving

Version 1.0 | April 20, 2026 | Next Review: October 20, 2026

Table of Contents

Right-click and select "Update Field" to refresh page numbers.

| | |
|--|----------|
| FDCPA Key Rules..... | 3 |
| Service Methods..... | 4 |
| Validation Notice Requirements..... | 5 |
| Before You Serve Checklist..... | 6 |
| Common Violations and Consequences..... | 7 |
| Cease Communication Procedures..... | 8 |



FDCPA Key Rules

The Fair Debt Collection Practices Act (FDCPA) is a federal law. It applies to all debt collection in Oklahoma. Oklahoma does not have a separate state debt collection law. The FDCPA protects consumers from unfair, deceptive, or abusive collection practices.

The FDCPA covers debts for personal, family, or household purposes. It applies to third-party debt collectors. It does not apply to creditors collecting their own debts.

| Rule | Statute | What It Means for Collectors |
|-------------------------|------------------------|---|
| Time Restrictions | 15 U.S.C. §1692c(a)(1) | Cannot call before 8:00 a.m. or after 9:00 p.m. local time unless the consumer agrees. |
| Attorney Representation | 15 U.S.C. §1692c(a)(2) | Must stop contacting the consumer if you know they have an attorney. Contact the attorney only. |
| Third-Party Contact | 15 U.S.C. §1692c(b) | Cannot talk to neighbors, family, or employers about the debt without consent. Location searches are limited. |
| Harassment Ban | 15 U.S.C. §1692d | No threats, violence, obscene language, or repeated calls to annoy. |
| False Statements | 15 U.S.C. §1692e | Cannot lie about the debt amount, legal status, or consequences of nonpayment. |
| Unfair Practices | 15 U.S.C. §1692f | Cannot collect extra fees not in the contract. Cannot use postcards. Cannot deposit postdated checks early. |
| Validation Notice | 15 U.S.C. §1692g | Must send written notice within 5 days of first contact. Must include 30-day dispute right. |
| Cease Communication | 15 U.S.C. §1692c(c) | Must stop all contact if consumer sends written request, with limited exceptions. |
| Civil Liability | 15 U.S.C. §1692k | Violators face actual damages, up to \$1,000 statutory damages, plus attorney fees per violation. |

CFPB Regulation F Updates

The Consumer Financial Protection Bureau (CFPB) issued Regulation F. It took effect November 30, 2021. This rule adds detail to the FDCPA.

| Regulation F Rule | What It Means |
|--------------------------|--|
| Call Frequency Limit | No more than 7 calls in 7 days to the same consumer about the same debt. |
| Electronic Communication | Email and text messages are allowed if the consumer consents. Must include |



| Regulation F Rule | What It Means |
|-------------------------|---|
| | opt-out. |
| Model Validation Notice | Safe harbor if you use the CFPB model form. Must include itemization and creditor info. |
| Time-Barred Debt | Cannot sue on debt past the statute of limitations without clear disclosure. |

Source: 12 CFR Part 1006 (Regulation F), effective November 30, 2021.



Service Methods

Debt collectors may need to serve collection-related court documents. This section shows permitted and prohibited methods under Oklahoma and federal law.

Permitted Service Methods in Oklahoma

| Method | Description | Legal Basis |
|------------------------|--|---------------------------|
| Personal Delivery | Handing copies to the debtor in person. This is the preferred method. | 12 O.S. §2004(C)(1)(c)(1) |
| Substituted Service | Leaving copies at the debtor's home with someone age 15+ who lives there. | 12 O.S. §2004(C)(1)(c)(1) |
| Certified Mail | Mailing with return receipt requested and delivery restricted to addressee. | 12 O.S. §2004(C)(2) |
| Service by Publication | Newspaper notice, one day per week for 3 weeks. Only after affidavit of due diligence. | 12 O.S. §2004(C)(3) |
| Court-Ordered Methods | Alternative methods approved by the court when standard methods fail. | 12 O.S. §2004(C)(6) |
| Commercial Courier | Overnight delivery or other reliable service with signed receipt. | 12 O.S. §2004.3 |
| Acknowledgment | Debtor signs acknowledgment on the back of the summons. | 12 O.S. §2004(C)(5) |

Prohibited Service Methods

| Prohibited Method | Why It Violates Law |
|-----------------------------------|---|
| Service by Postcard | Violates FDCPA §1692f(7). Also violates consumer privacy. |
| Leaving Documents with Minor | Oklahoma requires recipient to be age 15+ residing at the dwelling. |
| Service by Prisoner | 12 O.S. §2004(C)(7) bars prisoners and probationers from serving process. |
| Unlicensed Service | Serving process without an Oklahoma license is a misdemeanor per 12 O.S. §158.1(I). |
| Trespass to Serve | Cannot enter private property without consent. Violates property rights. |
| Service Before 8 AM or After 9 PM | FDCPA §1692c(a)(1) restricts communication times. |



Validation Notice Requirements

Federal law requires every debt collector to send a validation notice. This must happen within 5 days of the first contact with the consumer. The notice gives the consumer 30 days to dispute the debt.

Required Contents of the Validation Notice

| # | Required Item | Explanation |
|---|------------------------|--|
| 1 | Amount of the Debt | State the exact amount owed as of the notice date. |
| 2 | Name of the Creditor | Identify the original creditor or current creditor. |
| 3 | 30-Day Dispute Right | Tell the consumer they have 30 days to dispute the debt in writing. |
| 4 | Verification Promise | State that you will get verification if they dispute in writing. |
| 5 | Original Creditor Info | If requested in writing within 30 days, provide the name and address of the original creditor. |
| 6 | Validation Statement | State that until the consumer validates, the debt is assumed valid by the collector. |

What Happens When the Consumer Disputes

If the consumer sends a written dispute within 30 days, the collector must:

- Stop all collection efforts until verification is provided.
- Obtain verification of the debt or a copy of any judgment.
- Mail the verification or judgment copy to the consumer.
- If requested, provide the name and address of the original creditor.

Key Rule: Collection efforts must cease during the validation period. This includes filing lawsuits or serving court papers. Any collection action during this time may violate the FDCPA.

CFPB Model Form (Safe Harbor)

The CFPB provides a model validation notice. Using this form gives you "safe harbor" protection. This means you are presumed compliant with the validation notice requirements. The model form includes itemization of the debt, creditor information, and all required disclosures.

Verify the current model form at consumerfinance.gov. Forms may be updated.



Before You Serve Checklist

Use this checklist before serving any collection document. Every item must be confirmed. Skipping steps may lead to FDCPA violations, court sanctions, or civil liability.

Pre-Service Verification Steps

- Account ownership verified — Confirm the debt belongs to the person being served.
- Debt validated — The 30-day validation period has ended or the consumer did not dispute.
- Consumer notified — Initial validation notice was sent within 5 days of first contact.
- Attorney check — Confirm the consumer is not represented by an attorney. If they are, serve the attorney only.
- Licensing verified — The process server holds a current Oklahoma license (12 O.S. §158.1).
- Accurate documents — All amounts, dates, and creditor names are correct on the summons and petition.
- No cease letter — Confirm the consumer has not sent a written cease communication request.
- Time check — Service will occur between 8:00 a.m. and 9:00 p.m. local time.
- Third-party plan — No disclosure of debt details to neighbors, family, or employers.
- Proof ready — Affidavit of service form is prepared for immediate completion.

Document Accuracy Table

| Document Element | Must Verify | Common Error |
|-----------------------|---|---|
| Debt Amount | Match original contract + lawful interest/fees only | Adding unauthorized fees |
| Creditor Name | Current creditor name is correct | Wrong creditor or missing original creditor |
| Consumer Name | Full legal name matches records | Nickname or misspelling |
| Court and Case Number | Accurate on all copies | Wrong case number |
| Service Address | Current and verified address | Outdated or wrong address |
| Date of First Contact | Validation notice timeline is correct | Missing the 5-day notice window |



Common Violations and Consequences

FDCPA violations during service are serious. They can lead to lawsuits, fines, and license revocation. This table shows common violations and their consequences.

| Violation | Statute | Consequences |
|---|------------------------|--|
| Calling before 8 AM or after 9 PM | 15 U.S.C. §1692c(a)(1) | Statutory damages up to \$1,000, actual damages, attorney fees |
| Talking to third parties about the debt | 15 U.S.C. §1692c(b) | Individual or class action lawsuit; class actions capped at lesser of \$500,000 or 1% of net worth |
| Contacting consumer with attorney | 15 U.S.C. §1692c(a)(2) | Same civil liability; court may also sanction |
| Threats or harassment during service | 15 U.S.C. §1692d | Civil liability; may also face criminal charges for threats |
| False amount or creditor on documents | 15 U.S.C. §1692e | Actual damages plus statutory; heightened if intentional |
| Adding unauthorized fees | 15 U.S.C. §1692f(1) | Must refund; faces FDCPA suit plus state unfair practice claims |
| Ignoring written cease request | 15 U.S.C. §1692c(c) | Statutory damages; each contact after cease is a separate violation |
| No validation notice within 5 days | 15 U.S.C. §1692g | Violation of core requirement; damages and fees |
| Continuing collection during dispute | 15 U.S.C. §1692g(b) | All collection during dispute period is unlawful |
| Serving without Oklahoma license | 12 O.S. §158.1(l) | Misdemeanor criminal charge; all service is invalid |

Types of Liability

Individual Lawsuits: A single consumer can sue for actual damages, up to \$1,000 in statutory damages per violation, plus attorney fees and court costs.

Class Actions: Statutory damages are capped at the lesser of \$500,000 or 1% of the debt collector's net worth. Each named plaintiff can receive up to \$1,000.

Actual Damages: Compensation for real harm suffered, such as emotional distress, lost wages, or medical bills caused by the violation.

Attorney Fees: The court orders the collector to pay the consumer's attorney fees. This can far exceed the damages.



Oklahoma Licensing Penalties

Serving process without an Oklahoma license is a misdemeanor under 12 O.S. §158.1(l). A licensed server whose license is revoked cannot reapply for 5 years. A second revocation is permanent.



Cease Communication Procedures

Under 15 U.S.C. §1692c(c), a consumer can stop all communication from a debt collector by sending a written request. This is one of the most powerful rights under the FDCPA. Collectors must follow it exactly.

When a Consumer Sends a Cease Letter

If the consumer sends a written letter saying they refuse to pay or want you to stop contacting them, you must:

- Immediately stop all phone calls, texts, emails, and letters about the debt.
- Stop all service attempts on collection documents for that debt.
- Send only the permitted follow-up notices described below.
- Log the cease letter date in your records.
- Notify all staff and vendors (including process servers) of the cease.

Permitted Communications After Cease Letter

The FDCPA allows only three types of contact after a cease letter. All other communication is a violation.

| Type | Description |
|--------------------|---|
| Termination Notice | Tell the consumer that your collection efforts are ending. This is a one-time notice. |
| Remedy Warning | Notify the consumer that you or the creditor may use ordinary remedies, such as filing a lawsuit. |
| Intent to Sue | If you actually plan to file a lawsuit, you can notify the consumer of that specific intent. |

Important Rules After Cease

Even after a cease letter, you may still file a lawsuit if the debt is valid and within the statute of limitations. However, you cannot contact the consumer about the lawsuit except through formal court service. The cease letter does not prevent you from serving court papers through a licensed process server. But it does prevent informal contact about the debt.

Checklist: Cease Letter Received

- Date the letter was received: _____
- Staff member who processed it: _____
- All contact stopped as of: _____



- Process server notified: _____
- Permitted follow-up sent (if applicable): _____
- Case flagged in system: _____



Important Disclaimer

Not a law firm. This document provides procedural information only. It is not legal advice. The information is based on federal and Oklahoma statutes as of April 2026. Laws change. Always verify current rules before acting.

Sources for this guide include: 15 U.S.C. §§1692-1692p (FDCPA); 12 O.S. §§158.1 and 2004 (Oklahoma process server licensing and service of process); 12 CFR Part 1006 (CFPB Regulation F); and Oklahoma court rules. Verify all statutes at the official sources before relying on them.

About This Document

| | |
|---------------|--|
| Version | v1.0 |
| Published | April 20, 2026 |
| Next Review | October 20, 2026 |
| Reading Level | 8th grade |
| Prepared By | Just Legal Solutions — Joseph Iannazzi, NAPPS #14801 |

Contact Information

For questions about process serving in Oklahoma:

Phone: (539) 367-6832

Email: info@JustLegalSolutions.org

Website: justlegalsolutions.org

NAPPS Member: Joseph Iannazzi, Member ID 14801

© 2026 Just Legal Solutions. All rights reserved. This guide may be shared freely for educational purposes.