


I MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN
2007 (SECOND) Regular Session

Bill No. 280 (LS)

Introduced by:

J. A. Lujan 

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"AN ACT TO ADD A NEW CHAPTER 162 TO TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO THE REGULATION OF COLLECTION AGENCIES."

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Intent. Over the past twenty (20) years, third party collection
3 through collection agencies on Guam has grown substantially. However, there is no
4 government regulation of this industry and it is the intent of *I Liheslaturan Guahan* to put such
5 regulations in place in order to set standards of proper conduct for such businesses in order to
6 protect the best interests of the general public.

7 Section 2. A new Chapter 162 is *added* to 11GCA to read:

8 §162001 Definitions. As used in this chapter:

9 (a) "Client" means a person or other entity who offered or extended credit which created
10 a debt, or to whom debt is owed, and who engages the professional services of a collection
11 agency. The term does not include any person who receives an assignment or transfer of a debt
12 in default solely for the purpose of facilitating collection of a debt for another.

13 (b) "Collection agency" means any person, whether located within or outside Guam,
14 who by oneself or through others offers to undertake or holds oneself out as being able to
15 undertake or does undertake to collect for another person, claims or money due on accounts or
16 other forms of indebtedness for a commission, fixed fee, or a portion of the sums so collected.
17 Any person collecting any debt or claims or money due without compensation except for
18 reimbursement of expenditures related to the collection effort shall not be a collection agency
19 subject to the terms hereof.

20 (1) "Collection agency" includes:

- 1 (i) Any person using any name other than the person's own in collecting the
2 person's own claims with the intention of conveying, or which tends to convey
3 the impression that a third party has been employed;
- 4 (ii) Any person who, in the conduct of the person's business for a fee beyond
5 reimbursement for expenses incurred, regularly repossesses any merchandise or
6 chattels for another; and
- 7 (iii) Any person who regularly accepts the assignment of claims or money due on
8 accounts or other forms of indebtedness and brings suits upon the assigned
9 claims or money due on accounts or other forms of indebtedness in the person's
10 own name; provided that any suits shall be initiated and prosecuted by an
11 attorney who shall have been appointed by the assignee.

12 (2) "Collection agency" does not include licensed attorneys at law acting within the
13 scope of their profession, licensed real estate brokers, sub-dividers of real property, and
14 salespersons residing in Guam when engaged in the regular practice of their profession, nor
15 banks, small lenders, trust companies, building and loan associations, savings and loan
16 associations, financial services loan companies, credit unions, companies doing an escrow
17 business, individuals regularly employed on a regular wage or salary in the capacity of credit
18 persons or in other similar capacity for a single employer who is not a collection agency, nor
19 any public officer or any person acting under an order of court.

20 (c) "Communication" means directly or indirectly conveying information regarding a
21 debt to any person by any means.

22 (d) "Debt" means any obligation or alleged obligation to pay money or other forms of
23 payment arising out of a transaction in which the money, property, insurance, or services,
24 which are the subject of the transaction, whether or not such obligation has been reduced to
25 judgment.

26 (e) "Debtor" means any person or the person's spouse, or reciprocal beneficiary, parent
27 (if the person is a minor), guardian, executor, or administrator or other entity obligated or
28 allegedly obligated to pay a debt.

29 (f) "Department" means the Department of Revenue & Taxation.

1 (g) "Director" means the Director of Revenue & Taxation.

2 (h) "Material change" means any change of circumstance which might affect a collection
3 agency's registration, including the assigning, selling, leasing, encumbering, or other transfer of
4 the rights, privileges, and obligations of a collection agency, whether voluntarily or
5 involuntarily or directly or indirectly, including by transfer of fifty-one per cent of control of
6 any collection agency, whether by change in ownership or otherwise.

7 (i) "Principal collector" means an individual who has been designated by a collection
8 agency to assume responsibility for the operations and activities of the agency's office in Guam.

9 (j) "Regularly repossesses" means to locate, confiscate, and return merchandise or
10 chattels to a client whenever the client requires service.

11 (k) "Regular practice" means duties being of the sort or kind that are expected, ordinary,
12 or typical of the profession.

13 (l) "Regular wage or salary" means the expected, ordinary, or typical payment for
14 employment.

15 **§162002 Powers and duties of the Director.** In addition to any other powers and
16 duties authorized by law, the director shall:

- 17 (1) Grant certificates of registration to collection agencies pursuant to this chapter;
- 18 (2) Adopt, amend, or repeal rules as the directors deems proper to fully effectuate
19 this chapter which shall be accomplished under the rule making provisions of the
20 Administrative Adjudication Act;
- 21 (3) Enforce this chapter and the rules relating to collection agencies;
- 22 (4) Fine, suspend, terminate, or revoke any registration for any cause prescribed by
23 this chapter, or for any violation of the rules, and refuse to grant any registration
24 for any cause which would be grounds for revocation, termination, or suspension
25 of a registration, which actions shall be taken consistent with pre-existing rules
26 and regulations adopted pursuant to the provisions hereof;
- 27 (5) Investigate the actions of any person or agency acting or alleged to be acting in
28 the capacity of registration under this chapter;

1 (6) Order an audit of an account or an unannounced verification of an account's cash
2 balance; and

3 (7) Extend the deadlines required under this chapter and the rules; provided that the
4 registrant or applicant meets the conditions and requirements prescribed.

5 **§162003 Registration required.** (a) No collection agency shall collect or attempt to
6 collect any money or any other forms of indebtedness alleged to be due and owing from any
7 person who resides or does business in Guam without first registering under this chapter.

8 (b) Registration shall include:

9 (1) Submission of a complete application for registration;

10 (2) Submission of a certificate of good standing or a certificate of authority from the
11 Director;

12 (3) Payment of appropriate fees;

13 (4) Filing and maintenance of a bond in the amount prescribed in section 162005;

14 (5) Maintenance of a regular active business office in Guam; and

15 (6) Designation of a principal collector, as prescribed in section 162006;

16 (c) Any collection agency which has filed a bond with the director and maintained
17 that bond in full force and effect, and which has not filed an application and paid the
18 registration fee within ninety (90) days of enactment hereof shall submit an application in the
19 same manner as a new applicant subject to the provision of sections 162004 and 162006.

20 **§162004 Application for registration.** The director shall prescribe the form of the
21 application for registration. Each application shall be accompanied by the appropriate fees and
22 the bond or bonds required by section 162005.

23 **§162004.1 Certificate of registration.** Each certificate of registration shall be in a
24 form prescribed and signed by the director, and shall be issued in the name of the department.

25 **§162004.2 Notice of termination of business.** (a) Not less than sixty (60) days
26 before a collection agency terminates its business operations in Guam, the registrant shall
27 transmit a statement to the director and to each of the agency's clients indicating:

28 (1) That the registrant intends to terminate business in Guam;

29 (2) The effective date of the termination; and

1 (3) That prior to the termination, the registrant shall lawfully expend or disburse all
2 funds acquired in the course of business.

3 (b) If the registrant intends to transfer its client accounts to another collection
4 agency, the notification shall also include:

5 (1) The name, address, telephone number, and registration number of the
6 purchasing agency, and the purchasing agency's principal collector in Guam to
7 whom the accounts will be assigned; and

8 (2) The date on which the purchasing agency intends to begin servicing the accounts
9 transferred by the terminating agency.

10 (c) Registration is not canceled until the director has received the notice of
11 termination, the terminating collection agency's registration, and if applicable, verified the
12 validity of the purchasing agency's registration.

13 **§162004.3 Termination of business and surrender of certificate of registration.**

14 Within ten (10) days after termination of the business, the registrant shall surrender the
15 certificate of registration to the director.

16 **§162004.4 Notification of change.** Every collection agency shall notify the director
17 in writing of any material change at any time during the application process or the period of
18 registration.

19 **§162004.5 Single act; evidence of practice.** Evidence that a collection agency has
20 committed any act which is prohibited by this chapter shall be sufficient to justify the remedies
21 set forth in this chapter, without proof of a general course of conduct.

22 **§162004.6 Transfer of registration.** No registration, including the rights, privileges,
23 and obligation thereof, shall be assigned, sold, leased, encumbered, or otherwise transferred,
24 voluntarily or involuntarily, directly or indirectly including by transfer of control of any
25 collection agency, whether by change in ownership or otherwise, except upon written
26 application to and approval by the director. The form of the application shall be prescribed by
27 the director.

28 **§162004.7 Fine, revocation, suspension, termination, denial of registration,**
29 **renewal of registration, or restoration of registration.** In addition to any other actions

1 authorized by law, the director may fine any agency, revoke or terminate any registration,
2 suspend the right of the registrant to use the registration, or refuse to renew or restore a
3 registration for any cause authorized by law, including but not limited to the following:

- 4 (1) Dishonesty, deceit, fraud, or gross negligence in conducting business as a
5 collection agency;
- 6 (2) Advertising by means of false and deceptive statements or by statements which
7 tend to deceive or defraud
- 8 (3) Advertising or acting as a collection agency without a current and active
9 certificate of registration issued under this chapter;
- 10 (4) Violation of any provision of this chapter or the rules adopted pursuant thereto;
- 11 (5) Commingling of clients' funds or other property;
- 12 (6) Breach of fiduciary duty;
- 13 (7) Failure to notify the director in writing of any material change in information;
14 and
- 15 (8) Providing false or misleading information at the time of application or during
16 the time of registration.

17 **§162004.8 Renewal requirement.** (a) Each collection agency shall renew its
18 registration by June 30 of each year.

19 (b) When renewing its registration, any agency shall submit to the director
20 the following:

- 21 (1) An application on a form prescribed by the director;
- 22 (2) Satisfactory evidence that the collection agency is bonded as required by section
23 162005;
- 24 (3) A certificate of good standing or a certificate of authority issued by the business
25 registration division, if the applicant is a corporation, partnership, or joint
26 venture;
- 27 (4) The name and business address of the applicant's principal collector, who is
28 authorized to directly manage and control the daily operations of the applicant's
29 Guam office; and

1 (5) A renewal fee in the amount specified by rule.

2 (c) Failure on the part of a collection agency to renew its registration as provided in
3 subsection (a) shall cause the registration to be forfeited; provided that the director may make
4 an exception for good cause shown.

5 **§162004.9 Restoration of forfeited registration.** (a) A forfeited registration may be
6 restored by submitting an application provided by the director and by paying a delinquent
7 renewal fee and a restoration fee in the amount specified by rule.

8 (b) Failure to restore a forfeited registration within sixty (60) days of forfeiture shall
9 cause the registration to be terminated.

10 (c) The director may extend the sixty (60) day limitation for good cause shown.

11 (d) Upon termination of registration, the collection agency shall cease to do business.

12 **§162004.10 Collecting without a registration.** Any collection agency whose
13 registration has been terminated but continues to conduct business as a collection agency shall
14 be engaging in an unregistered activity, and any agency so engaged, and any employee or agent
15 of the agency who engages in an unregistered activity, shall be subject to the sanctions provided
16 in this chapter. Nothing in this chapter shall be deemed to limit or prohibit other available civil
17 or criminal actions against an agency engaged in an unregistered activity or any employee or
18 agent of the agency engaged in an unregistered activity.

19 **§162004.11 Audits.** (a) When the director has reasonable cause to believe that a
20 registrant created deficiencies or other problems in accounts which hold funds or other forms of
21 payment collected on behalf of a complainant, the director may order an audit of the account or
22 accounts, or an unannounced verification of the account's cash balance. The audit or
23 verification shall be conducted by a certified public accountant, public accountant, or other
24 designee of the director.

25 (b) If an audit or unannounced verification of an account ordered by the director
26 reveals deficiencies or other problems in accounts which hold client funds and other forms of
27 payment, the cost of the audit or the verification shall be paid by the collection agency. If an
28 audit or unannounced verification of an account ordered by the director does not reveal
29 deficiencies and problems in accounts, the cost of the audit or unannounced verification shall be

1 paid by the complainant. Failure of a collection agency to pay for an audit or unannounced
2 verification within thirty (30) days of receipt of the billing statement shall result in suspension
3 of the agency's registration until payment is made.

4 **§162004.12 Furnishing deceptive forms.** It is unlawful for any person who is not a
5 registered collection agency to design, compile, or furnish any form knowing that the form
6 could be used to create a belief in a debtor that the person who designed, compiled or furnished
7 the form is a collection agency.

8 **§162005 Bond.** (a) Each collection agency shall file and maintain with the director
9 a bond in the penal sum of one hundred thousand dollars (\$100,000.00) for the first office in
10 Guam and fifty thousand dollars (\$50,000.00) for each additional office in Guam.

11 (b) All bonds required by this section shall be issued by a surety company
12 authorized to do business in Guam, and shall run to Guam. The bond shall be conditioned that
13 the collection agency faithfully, promptly, and truly shall account and pay within thirty (30)
14 days after the calendar month, to its clients the net proceeds due on all collections made during
15 the calendar month. The bond shall be conditioned further that the collection agency will
16 comply with all requirements of this chapter or any other statute now in force or hereafter
17 enacted with respect to the duties, conduct, obligations, and liabilities of collection agencies.

18 (c) In addition to any other remedy, the director or any person claiming to have
19 sustained damage by reason of any breach of the conditions of the bond may bring action on the
20 bond for the recovery of any damaged sustained therefrom. The liability of the surety shall not
21 exceed the amount of the bond issued to the collection agency for which the bond was issued.

22 (d) The bond shall be continuous in form and remain in full force and effect unless
23 terminated or canceled by the surety. Termination or cancellation shall not be effective, unless
24 notice thereof is delivered by the surety to the director and the collection agency at least sixty
25 (60) days prior to the date of termination or cancellation.

26 (e) Failure, refusal, or neglect of a collection agency to maintain in full force and
27 effect a bond as required by this section shall cause the automatic suspension of the registration
28 of the collection agency effective as of the date of expiration, termination, or cancellation of the
29 bond. The director shall not reinstate the affected registration until satisfactory proof of bond

1 coverage is submitted to the director as required by this section. Failure to effect a
2 reinstatement of a suspended registration within sixty (60) days of the expiration of the
3 requirements of registration shall cause it to be forfeited, thereby forfeiting all registration and
4 annual renewal fees. A collection agency, within fifteen (15) days after receipt of the
5 notification of the registration forfeiture, may request an administrative hearing to review the
6 forfeiture pursuant to the Administrative Adjudication Law.

7 (f) Upon expiration, termination, or cancellation of the bond, the collection agency
8 shall cease to do business as a collection agency in Guam and the collection agency shall not
9 resume business in Guam until a bond as required in subsection (a) is submitted to the director.

10 **§162006 Place of business; principal collector.** (a) A collection agency shall
11 have and maintain a regular active business office in Guam for the purpose of conduction
12 collection agency business. The business office shall be open to the public during stated
13 reasonable business hours.

14 (b) Every collection agency shall designate a principal collector to assume
15 responsibility for the direct management and control of the daily operation of the office.

16 **§162007 Violations.** A violation of this chapter by a collection agency that results
17 in any damages to a debtor shall be a deceptive act and for which debtor shall have all available
18 remedies allowed consumers under Title 5, Chapter 32, Article 2, Guam Code Annotated – The
19 Deceptive Acts and Prohibited Practices – Trade Practices and Consumer Protection.

20 **§162008 Manner in which records, funds, and other forms of indebtedness are**
21 **to be kept by collection agencies.** (a) Every collection agency shall keep and maintain a
22 permanent record or have immediate access to copies of the permanent record of all funds and
23 other forms of indebtedness collected by it, and all of disbursements. Every collection agency
24 shall maintain and keep a record of all clients' funds or have immediate access to copies of the
25 record. No person willfully shall make any false entry in any collection agency record, or
26 intentionally mutilate, destroy, conceal, or in any way dispose of any record.

27 (b) A collection agency shall not commingle the money of its clients with its own,
28 but shall maintain a separate trust account for clients' funds in a federally insured financial

1 institution. A collection agency may not withdraw any funds from this trust account without
2 the client's written consent for each withdrawal.

3 **§162009 Collection, attorney's or commission fees; exception.** A collection
4 agency shall not collect, or attempt to collect, any collection fee or attorney's fee or commission
5 from any debtor; provided that an attorney's fee or commission may be collected after filing of a
6 suit against any debtor and the fee or commission shall not be in excess of thirty per cent (30%)
7 of the unpaid principal balance or as stated in existing agreements with the debtor or current
8 statutory requirements, whichever is less. All attorney's fees or commissions collected by a
9 collection agency shall be remitted to the attorney and no portion of the collection shall be
10 retained by the collection agency.

11 **§162010 Reports and payments by agency.** Every collection agency shall, within
12 thirty (30) days after the close of each calendar month, report and pay to its clients the net
13 amount due to each client out of all collections made during the preceding calendar month.

14 In the event the gross amount due is paid to a client and the client fails to pay a
15 collection agency any sums due under this section, the collection agency shall have, in addition
16 to other remedies provided by law, the right to offset any moneys due the collection agency
17 under this section against any moneys due its client.

18 **§162010.1 Fiduciary responsibility.** Each collection agency shall be considered a
19 fiduciary with respect to its clients and shall keep and disburse funds collected on its client's
20 behalf in strict compliance with any agreement made with a client and with all applicable laws.

21 **§162011 Action on collection agency bond.** If a collection agency has failed to
22 account for and pay over the proceeds of any collection made, the client shall have, in addition
23 to all other legal remedies, a right of action in the client's own name on the bond given pursuant
24 to this chapter and the total of all recoveries from the sureties shall not exceed the face of the
25 bond. Upon entering judgment for plaintiff in any action on the bond required by this chapter,
26 for more than any sum which may have been tendered in court by the defendant, the court shall
27 include in the judgment reasonable compensation for the services of the plaintiff's attorney in
28 action.

1 **§162012 Remedies not exclusive.** The remedies provided for in this chapter are in
2 addition to and not exclusive of any other remedies provided by law.

3 **§162013 Penalties.** (a) Violation of this chapter by an individual is punishable by
4 a fine of not more than five hundred dollars (\$500.00) for each violation.

5 (b) Violation of this chapter by persons other than an individual is punishable by a
6 fine of not more than one thousand dollars (\$1,000.00) for each violation. Any officer, agent, or
7 employee of a collection agency who personally participates in any violation of this chapter by
8 the collection agency is subject to penalties prescribed in subsection (a) of this section.

9 **§162014 Threats or coercion.** No collection agency shall collect or attempt to
10 collect any money or other forms of indebtedness alleged to be due and owing by means of any
11 threat, coercion, or attempt to coerce, including any conduct which is described as follows:

- 12 (1) The use, or express or implicit threat of use, of violence or other criminal means
13 to cause harm to the person, reputation, or property of any person;
- 14 (2) The accusation or threat to falsely accuse any person of fraud or any crime or any
15 conduct which, if true, would tend to disgrace the other person or in any way
16 subject a person to ridicule or any conduct which, if true, would tend to disgrace
17 the other person or in any way subject a person to the ridicule or contempt of
18 society;
- 19 (3) False accusations made to another person, including any credit reporting agency
20 that a debtor or an alleged debtor has not paid a just debt, or threat to so make
21 false accusations;
- 22 (4) The threat to sell or assign to another the obligation of a debtor or an alleged
23 debtor with an attending representation or implication that the result of the sale
24 or assignment would be that the debtor would lose any defense to the claim or
25 would be subjected to harsh, vindictive, or abusive collection attempts; and
- 26 (5) The threat that nonpayment of an alleged claim will result in the arrest of any
27 person.

1 **§162015 Harassment and abuse.** No collection agency shall oppress, harass, or
2 abuse any person in connection with the collection of or attempt to collect any claim alleged to
3 be due and owing by that person or another in any of the following ways:

- 4 (1) The use of profane or obscene language that is intended to abuse the hearer or
5 reader;
- 6 (2) The placement of telephone calls without disclosure of the caller's identity or
7 with the intent to harass, or threaten any person at the called number; and
- 8 (3) Causing expense to any person in the form of long distance telephone tolls,
9 telegram fees, or other charge incurred by a medium of communication, by
10 concealment of the true purpose of the notice, letter, message, or communication.

11 **§162016 Unreasonable publication.** No collection agency shall unreasonably
12 publicize information relating to any alleged indebtedness or debtor, in any of the following
13 ways:

- 14 (1) The disclosure, publication, or communication of any false information relating
15 to the indebtedness of a debtor or alleged debtor to any employer or the
16 employer's agent;
- 17 (2) The disclosure, publication, or communication of false information relating to the
18 indebtedness of a debtor or alleged debtor to any relative or family member of
19 the debtor or alleged debtor;
- 20 (3) The disclosure, publication or communication of any information by a collection
21 agency relating to the indebtedness of a debtor or alleged debtor by publishing or
22 posting any list of debtors, except for the publication of "stop lists" to point-of-
23 sale locations where credit is extended, or by advertising for sale any claim to
24 enforce payment thereof or in any other manner other than through proper legal
25 action, process, or proceeding; and
- 26 (4) The use of any form of communication by a collection agency to the debtor or
27 alleged debtor, which ordinarily may be seen by any other person, that displays
28 or conveys any information about the alleged claim other than the name, address,
29 and phone number of the collection agency.

1 **§162017 Fraudulent, deceptive, or misleading representations.** No collection
2 agency shall use any fraudulent, deceptive, or misleading representation or means to collect, or
3 attempt to collect, claims or to obtain information concerning a debtor or alleged debtor,
4 including any conduct which is described as follows:

- 5 (1) The use of any company name while engaged in the collection of claims other
6 than the true name of the collection agency;
- 7 (2) The failure to disclose clearly:
 - 8 (A) In the initial written and initial oral communication made to collect, or
9 attempt to collect, a claim or to obtain, or attempt to obtain, information
10 about a debtor or alleged debtor that the collection agency is attempting to
11 collect a claim and that any information obtained will be used for that
12 purpose; and
 - 13 (B) In subsequent communications that the communication is from a debt
14 collector; provided that this paragraph shall not apply to a formal
15 pleading made in connection with a legal action;
- 16 (3) Any false representation that the collection agency has in its possession
17 information or something of value for the debtor or alleged debtor that is made to
18 solicit or discover information about the debtor or alleged debtor;
- 19 (4) The failure to disclose clearly the name and full business address of the person to
20 whom the claim has been assigned for collection or to whom the claim is owed at
21 the time of making any demand for money;
- 22 (5) Any false representation or implication of the character, extent, or amount of a
23 claim against a debtor or alleged debtor, or of its status in any legal proceeding;
- 24 (6) Any false representation or false impression that any collection agency is
25 vouched for, bonded by, affiliated with, or an instrumentality, agent, or official
26 of, Guam or any agency of federal, state, or local government;
- 27 (7) The use or distribution or sale of any written communication which simulates or
28 is falsely represented to be a document authorized, issue, or approved by a court,

1 an official, or any other legally constituted or authorized authority, or which
2 creates a false impression about its source, authorization, or approval;

3 (8) Any representation that an existing obligation of the debtor or alleged debtor
4 may be increased by the addition of attorney's fees, investigation fees, service
5 fees, and any other fees or charges when in fact the fees or charges may not
6 legally be added to the existing obligations; or

7 (9) Any false representation or false impression about the status or true nature of, or
8 the services rendered by, the collection agency or its business.

9 **§162018 Unfair or unconscionable means.** No collection agency shall use unfair
10 or unconscionable means to collect or attempt to collect any claim in any of the following ways:

11 (1) The seeking or obtaining of any written statement or acknowledgement in any
12 form that debtor or alleged debtor's obligation is one incurred for necessities of
13 life where the original obligation was not in fact incurred for these necessities;

14 (2) The seeking or obtaining of any written statement or acknowledgement in any
15 form containing an affirmation of any obligation by a debtor or alleged debtor
16 who has been declared bankrupt, without clearly disclosing the nature and
17 consequences of the affirmation and the fact that the debtor or alleged debtor is
18 not legally obligated to make the affirmation;

19 (3) The collection of or the attempt to collect from a debtor or alleged debtor all or
20 any part of the collection agency's fees or charges for services rendered;

21 (4) The collection or the attempt to collect any interest or other charge, fee or
22 expense incidental to the principal obligation unless the interest or incidental fee,
23 charge, or expense is expressly authorized by the agreement creating the
24 obligation and legally chargeable to the debtor or alleged debtor; or unless the
25 interest or incidental fee, charge, or expense is expressly authorized by law; and

26 (5) Any communication with a debtor or alleged debtor whenever it appears that the
27 debtor or alleged debtor is represented by an attorney and the attorney's name
28 and address are known.

1 **§162019 Unfair competition, unfair or deceptive acts or practices.** A violation of
2 this chapter by a collection agency shall constitute unfair methods of competition and unfair or
3 deceptive acts or practices in the conduct of any trade or commerce for the purpose of section
4 162002.

5 **§162020 Severability.** If any provision of this chapter or the application thereof to
6 any person or circumstance is held invalid, the invalidity does not affect the other provisions or
7 applications of the chapter which can be given effect without the invalid provision or
8 application, and to this end the provisions of this chapter are severable.