

***NORTH AMERICAN  
COLLECTION AGENCY  
REGULATORY ASSOCIATION***

***BYLAWS***

Updated through 10-10

**Bylaws of the**  
**NORTH AMERICAN COLLECTION AGENCY REGULATORY ASSOCIATION**

**ARTICLE I.**  
**Name**

The name of this corporation shall be the North American Collection Agency Regulatory Association (hereinafter referred to as the "Association").

**ARTICLE II.**

**Objective and Purposes**

Section 1. The primary purpose of the Association shall be to ensure fair and equitable administration and enforcement of collection regulatory laws in the several states, districts, territories, possessions, and provinces in the United States and Canada. The Association shall work to achieve this purpose by providing its members with opportunities for communication on regulatory matters, for conducting research and obtaining and exchanging information on regulatory matters, and for professional improvement. The Association may also encourage and develop cooperation with all other organizations with similar objectives.

**ARTICLE III.**  
**Membership**

Section 1. Any state, district, territory, possession, or province of the United States or Canada, or such other governmental entity which has enacted a collection license law or other collection regulatory law, shall be eligible for membership upon payment of the required annual dues and shall become a MEMBER JURISDICTION.

Section 2. Each member jurisdiction shall be entitled to one vote on any matter or election coming before an annual conference, a special conference, or other previously scheduled meeting of the general membership of the Association.

Section 3. An ACTIVE MEMBER or designated representative of the Association is any individual who is affiliated with a regulatory agency in a member jurisdiction which is charged with administering one or more of the laws cited in Section 1 above. (*Amended November, 2001*)

Section 4. Former active members who have held office in the Association and who are no longer engaged in the administration or enforcement of collection regulatory laws may become HONORARY MEMBERS at the discretion of the Executive Committee. Honorary members shall be exempt from payment of dues and may not vote or hold office in the Association. (*Amended November, 2001*).

Section 5. Whenever an active member or member jurisdiction challenges the eligibility of another member jurisdiction to vote or to hold membership, or challenges the eligibility of an applicant for member jurisdiction status to hold membership, or whenever an active member or member jurisdiction challenges the eligibility of an active member to hold an office to which the active member was elected or to participate in the affairs of the Association

as an active member, the Executive Committee shall conduct an investigation of the eligibility of the member jurisdiction, applicant for membership, or active member and make a decision on the matter.

#### **ARTICLE IV. Officers**

Section 1. From among its active members, the Association shall elect annually a President, a Vice President, a Secretary/Treasurer, and two Directors. (*Amended November, 2001*)

Section 2. The Vice President shall, when necessary, perform the duties of the President. (*Amended November, 2001*)

Section 3. All Officers and Directors of the Association shall be elected annually at the annual association conference and shall serve from final adjournment of the annual conference at which they have been elected until the final adjournment of the next annual conference or until their successors have been duly elected and qualified.

Section 4. The nomination for each office in the Association shall be made by the Nominating Committee appointed by the President; but additional nominations may be made

from the floor by any voting member of the Association. (*Amended October, 2010 November, 2001*)

Section 5. The President shall perform the usual duties pertaining to that office and shall appoint the Nominating Committee and all other necessary committees. (*Amended October, 2010*)

Section 6. The Secretary shall have the following duties: keep the minutes of all Association conferences and meetings of the Executive Committee; conduct official correspondence of the Association; collect and preserve all records and materials of the Association necessary to preserve the history of the Association. The Secretary shall distribute to each member jurisdiction, not less than twenty days prior to the opening date of the annual conference, the Association's minutes of the Association's previous annual conference. The Treasurer shall collect and disburse all monies of the Association and maintain the financial records and materials of the Association. The Treasurer shall distribute to each member jurisdiction, not less than twenty days prior to the opening date of the annual conference, the Association's financial statements for the previous fiscal year ending June 30 of the current year. The offices of Secretary and Treasury may be held concurrently by the same person. (*Amended October, 2010*)

Section 7. By action of the Executive Committee, the Association may remove an Officer or Director for good cause shown, and a substitute may be elected by the Executive

Committee at its next scheduled meeting or any duly constituted special meeting. Any such proceedings may be initiated by written petition to the Executive Committee signed by no less than three members thereof. *(Amended November, 2001)*.

Section 8. If an officer or director loses his or her eligibility for active membership, or upon the death, resignation, or other legal incapacity of an Officer or Director, the resulting vacancy shall be filled until the next general election in the following manner: (1) a vacancy in the office of President shall be filled by the elevation of the Vice President to the office of President; (2) a vacancy in the office of Vice President shall not be filled except by election at the next annual association conference; but if vacancies occur in the offices of both President and Vice President, the Directors are authorized to elect from among the active membership of the Association an Acting President to serve until the next annual conference; and (3) a vacancy in the office of Secretary/Treasurer shall be filled by appointment by the President. *(Amended November, 2001)*

## **ARTICLE V. Executive Committee**

Section 1. The Executive Committee of this Association shall be composed of the President, Vice President, Secretary/Treasurer and two Directors. *(Amended November, 2001)*

Section 2. The affairs of the Association between annual conferences shall be administered by the Executive Committee.

Section 3. A meeting of the Executive Committee shall be called at the discretion of the President. At the written request of any two members of the Executive Committee, the President shall call a meeting of the Executive Committee. Three members of the Executive Committee who are present at any such meeting shall be recognized as a quorum authorized to transact any business which shall come before such meeting. The Executive Committee may act by vote of a majority of its members on matters of business arising between regularly scheduled meetings. The Executive Committee may recommend to the Association issues on which it feels the Association should express its views. *(Amended November, 2001)*

## **ARTICLE VI.**

### **Dues**

Section 1. The minimum dues to be paid by the member jurisdictions shall be established by the Executive Committee. *(Amended November, 2001)*

Section 2. Dues shall be payable annually at such times as the Executive Committee may direct, and non-payment of dues by any member jurisdiction unless excused by the Executive Committee for a period of one year following an annual conference shall operate to suspend such member jurisdiction from its voting privileges and to suspend the active members from such member jurisdiction from holding office in the Association. *(Amended October, 2010)*

Section 3. The Executive Committee may charge fees for special services.

**ARTICLE VII.**  
**Association Meetings and Conferences**

Section 1. An annual conference shall be held at such time and place as the Executive Committee shall select. Special conferences shall be called by the President upon request of a majority of the members of the Executive Committee. The Executive Committee shall be responsible for the planning, budgeting and programming of the annual conferences. No Association money shall be spent on spouses, friends or guests who attend meetings and conferences with members. *(Amended October, 2010)*

Section 2. Meetings of the Association shall be open solely to active members. However, the chairpersons of committees when presiding at committee meetings, or the President or other presiding officer when presiding at meetings of the Executive Committee or of the annual conference, may open selected meetings to honorary members, or to guests, or to the general public. Opening may be ordered only when, in the opinion of the officer opening such meeting, the furtherance of the objectives and purposes of the Association as provided in Article II would not be compromised by the presence of honorary members or guests or the general public. *(Amended October, 2010)*

Section 3. Fifty-one percent (51 %) of the member jurisdictions of this Association who are present at a previously scheduled session of any annual or special conference of the Association shall be recognized as a quorum authorized to transact any business of the Association. *(Amended November, 2001)*

Section 4. Robert's Rules of Order, latest edition, shall be recognized as the parliamentary authority governing all meeting and conferences when not in conflict with these Bylaws.

## **ARTICLE VIII. Bylaws**

Section 1. The Association may promulgate Bylaws which may be amended from time to time as provided herein. *(Amended November, 2001)*

Section 2. The Bylaws may be amended at any scheduled session of an annual conference by an affirmative vote of fifty one percent (51%) of the voting members present, provided written notice of the proposed amendment is distributed to each member jurisdiction and, in the case of proposals not being made by the Bylaws Committee, to the Chair of the Bylaws Committee, at least twenty days prior to the opening date of said annual conference. *(Amended November, 2001)*

Section 3. Any member jurisdiction, active member, or standing committee of the Association may propose amendments to the Bylaws by giving written notice as set forth in this Article. Such notice shall include the proposed amendment setting forth: 1) the Section or Sections proposed to be amended; 2) the proposed amendment (s) in legislative style; and 3) the rationale for such proposed amendment.

Section 4. At the end of each Section of the Bylaws, the Bylaws Committee shall identify the year in which the membership voted to adopt or to make any change to that Section.

## **ARTICLE IX.**

### **Spokesperson for the Association**

No member or person, or group of members or persons, shall represent or speak for as having the endorsement of the Association, unless consent hereto has first been given by a majority of the member jurisdictions of the Association. (*Amended November, 2001*).