



Industry Standard

What is A "Driver" Verses A "Recovery Agent"?

Definition:

(Driver) a person whose job is to drive a vehicle (such as a taxi, truck, or bus).

(Agent) a person who acts in an official capacity for a private agency.

Individuals directly involved in the actual repossession process are to be referred to as **"Recovery Agents"**.

Recovery Agents are required by law to comply with the FDCPA (where it applies to this activity), the GLBA, and indirectly as third-party vendors, the Consumer Financial Protection Bureau.

Federal and State Case Law has clearly stated that the reposessor is fully an agent of the creditor:

(Nixon v. Halpin, District Court of Appeal of Florida, Fourth District; McCall v. Owens, Court of Appeals of Tennessee, Eastern Section; Williamson v. Fowler Toyota, Supreme Court of Oklahoma; Trash v. Credit Acceptance Supreme Court of Alabama)

The term "driver" neither accurately describes their duties, as well as failing to denote the rights and responsibilities that the role requires.

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