

HOUSE BILL No. 4239

February 14, 2001, Introduced by Reps. Bob Brown, Sheltroun, Wojno, Bovin, Woronchak, Dennis, Plakas, Kolb, Lipsey, Anderson, Neumann, Pestka, Bernero, Woodward, Jacobs and Rich Brown and referred to the Committee on Commerce.

A bill to require certain consumer reporting agencies to provide a toll-free telephone number for consumers; to require certain consumer reporting agencies to maintain and disclose to third parties certain information relating to certain consumers under certain circumstances; and to prescribe remedies and penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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1 Sec. 1. As used in this act:

2 (a) "Consumer" means an individual.

3 (b) "Consumer report" and "consumer reporting agency" mean
4 those terms as defined in section 603 of the fair credit report-
5 ing act, title VI of the consumer credit protection act, Public
6 Law 90-321, 15 U.S.C. 1681a.

1 (c) "Person" means an individual, partnership, corporation,
2 limited liability company, association, governmental entity, or
3 other legal entity.

4 (d) "Relevant information" means a fact that may adversely
5 affect a consumer's credit history through no fault of the con-
6 sumer, including but not limited to either of the following:

7 (i) Notice of the unauthorized use of the consumer's name to
8 apply for credit.

9 (ii) Conduct of a divorced spouse that adversely affects the
10 consumer's ability to obtain credit.

11 (e) "Third party" means a person other than a consumer
12 reporting agency or a consumer who is the subject of a consumer
13 report prepared by the consumer reporting agency.

14 Sec. 2. (1) A consumer reporting agency shall maintain a
15 toll-free telephone number that enables consumers to call and
16 report to that consumer reporting agency relevant information to
17 be added to any consumer report or data relating to the consumer
18 that the consumer reporting agency possesses.

19 (2) A consumer reporting agency shall add relevant informa-
20 tion received from a consumer to any consumer report or data in
21 its possession that relates to the consumer upon receiving the
22 information and verifying the identity of the consumer. A con-
23 sumer reporting agency shall include that relevant information
24 with any consumer report or data relating to the consumer that it
25 provides a third party.

1 Sec. 3. A consumer reporting agency that violates this act
2 is liable to a consumer injured by the violation for either of
3 the following:

4 (a) Actual damages or \$1,000.00, whichever is greater, plus
5 reasonable attorney fees.

6 (b) Any remedy or penalty authorized under the fair credit
7 reporting act, title VI of the consumer credit protection act,
8 Public Law 90-321, 15 U.S.C. 1681 to 1681u.