

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

House BILL NO. *460*
Laing
C. Squires *D. Smith* *K. Hulsey* *W. Hally*
C. Caschiera

INTRODUCED BY
A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING NATIONAL CONSUMER REPORTING AGENCIES TO PROVIDE ONE FREE CREDIT REPORT ANNUALLY TO A CONSUMER ON REQUEST; REQUIRING REGIONAL, STATE, AND LOCAL CONSUMER REPORTING AGENCIES TO PROVIDE ONE CREDIT REPORT ANNUALLY TO A CONSUMER ON REQUEST AT HALF THE REGULAR PRICE; REQUIRING ALL CONSUMER REPORTING AGENCIES TO PROVIDE TOLL-FREE TELEPHONE ACCESS TO CONSUMER INFORMATION; AND AMENDING SECTIONS 31-3-122, 31-3-123, AND 31-3-125, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 31-3-122, MCA, is amended to read:

"31-3-122. Disclosures to consumers -- annual free or discounted credit report. (1) Every consumer reporting agency shall, upon request and proper identification of any consumer, clearly and accurately disclose to the consumer:

(a) the nature and substance of all information (except medical information) in its files on the consumer at the time of the request; and

(b) the sources of the information.

(2) The requirements of subsection (1) respecting the disclosure of sources of information and the recipients of consumer reports furnished prior to July 1, 1975, do not apply to existing consumer reporting agencies except to the extent that the matter involved is contained in the files of the consumer reporting agency on that date.

(3) (a) In addition to the requirements in subsection (1), a national consumer reporting agency shall provide to a customer once a year at the customer's request and at no monetary charge to the customer a report that contains all of the information required under subsection (1).

(b) A consumer reporting agency operating in Montana that is not a national consumer reporting agency shall provide to a customer once a year at the customer's request and for a price that does not exceed 50% of the regular price a report that contains all of the information required under subsection (1).

(c) For the purposes of this section, "national consumer reporting agency" means a consumer

1 reporting agency that compiles and maintains files on consumers on a nationwide basis for the purpose of
2 furnishing consumer reports to third parties bearing on a consumer's creditworthiness, credit standing, or
3 credit capacity. A consumer reporting agency that operates similarly but on a regional, statewide, or local
4 basis is not a national consumer reporting agency."

5
6 **Section 2.** Section 31-3-123, MCA, is amended to read:

7 **"31-3-123. Conditions of disclosure to consumer.** (1) A consumer reporting agency shall make
8 the disclosures required under 31-3-122 during normal business hours and on reasonable notice.

9 (2) The disclosures required under 31-3-122 ~~shall~~ must be made to the consumer:

10 (a) in person if ~~he~~ the person appears in person and furnishes proper identification; or

11 (b) by toll-free telephone if ~~he~~ the person has made a written request, with proper identification
12 for telephone disclosure, ~~and the toll charge, if any, for the telephone call is prepaid by or charged directly~~
13 ~~to the consumer.~~

14 (3) Any consumer reporting agency shall provide trained personnel to explain to the consumer any
15 information furnished to ~~him~~ the consumer pursuant to 31-3-122.

16 (4) The consumer ~~shall~~ must be permitted to be accompanied by one other person of ~~his~~ the
17 consumer's choosing, who shall furnish reasonable identification. A consumer reporting agency may
18 require the consumer to furnish a written statement granting permission to the consumer reporting agency
19 to discuss the consumer's file in ~~such~~ the person's presence."

20
21 **Section 3.** Section 31-3-125, MCA, is amended to read:

22 **"31-3-125. Fees for disclosures to consumers.** Except for a free credit report and a discounted
23 credit report provided for in 31-3-122, A a consumer reporting agency shall make all disclosures charge an
24 appropriate fee to the consumer for each disclosure pursuant to 31-3-122 and 31-3-124, to the consumer,
25 ~~with appropriate fees to~~ The fees must be established by the department of commerce in accordance with
26 the Montana Administrative Procedure Act."

27 -END-

1 HOUSE BILL NO. 460

2 INTRODUCED BY HARRINGTON, SWYSGOOD, ELLINGSON, SQUIRES, DOHERTY, KITZENBERG,
3 HALLIGAN, COCCHIARELLA

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING ~~NATIONAL~~ CONSUMER REPORTING AGENCIES TO
6 PROVIDE ONE FREE CREDIT REPORT ANNUALLY TO A CONSUMER ON REQUEST; ~~REQUIRING REGIONAL,~~
7 ~~STATE, AND LOCAL CONSUMER REPORTING AGENCIES TO PROVIDE ONE CREDIT REPORT ANNUALLY~~
8 ~~TO A CONSUMER ON REQUEST AT HALF THE REGULAR PRICE; REQUIRING ALL CONSUMER REPORTING~~
9 ~~AGENCIES TO PROVIDE TOLL FREE TELEPHONE ACCESS TO CONSUMER INFORMATION; AND~~
10 AMENDING SECTIONS 31-3-122, 31-3-123, AND 31-3-125, MCA."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13
14 **Section 1.** Section 31-3-122, MCA, is amended to read:

15 **"31-3-122. Disclosures to consumers -- annual free or discounted credit report.** (1) Every
16 consumer reporting agency shall, upon request and proper identification of any consumer, clearly and
17 accurately disclose to the consumer:

18 (a) the nature and substance of all information (except medical information) in its files on the
19 consumer at the time of the request; and

20 (b) the sources of the information.

21 (2) The requirements of subsection (1) respecting the disclosure of sources of information and the
22 recipients of consumer reports furnished prior to July 1, 1975, do not apply to existing consumer reporting
23 agencies except to the extent that the matter involved is contained in the files of the consumer reporting
24 agency on that date.

25 ~~(3) In addition to the requirements in subsection (1), a national consumer reporting agency shall~~
26 ~~provide to a customer once a year at the customer's request and at no monetary charge to the customer~~
27 ~~a report that contains all of the information required under subsection (1).~~

28 ~~(b) A consumer reporting agency operating in Montana that is not a national consumer reporting~~
29 ~~agency shall provide to a customer once a year at the customer's request and for a price that does not~~
30 ~~exceed 50% of the regular price a report that contains all of the information required under subsection (1).~~

1 ~~(c) For the purposes of this section, "national consumer reporting agency" means a consumer~~
2 ~~reporting agency that compiles and maintains files on consumers on a nationwide basis for the purpose of~~
3 ~~furnishing consumer reports to third parties bearing on a consumer's creditworthiness, credit standing, or~~
4 ~~credit capacity. A consumer reporting agency that operates similarly but on a regional, statewide, or local~~
5 ~~basis is not a national consumer reporting agency."~~

6
7 **Section 2.** Section 31-3-123, MCA, is amended to read:

8 **"31-3-123. Conditions of disclosure to consumer.** (1) A consumer reporting agency shall make
9 the disclosures required under 31-3-122 during normal business hours and on reasonable notice.

10 (2) The disclosures required under 31-3-122 ~~shall~~ **must** be made to the consumer:

11 (a) in person if ~~he~~ the person appears in person and furnishes proper identification; or

12 (b) by ~~toll-free~~ telephone if ~~he~~ the person has made a written request, with proper identification
13 for telephone disclosure, ~~and the toll charge, if any, for the telephone call is prepaid by or charged directly~~
14 ~~to the consumer.~~

15 (3) Any consumer reporting agency shall provide trained personnel to explain to the consumer any
16 information furnished to ~~him~~ the consumer pursuant to 31-3-122.

17 (4) The consumer ~~shall~~ **must** be permitted to be accompanied by one other person of ~~his~~ the
18 consumer's choosing, who shall furnish reasonable identification. A consumer reporting agency may
19 require the consumer to furnish a written statement granting permission to the consumer reporting agency
20 to discuss the consumer's file in ~~such~~ the person's presence."

21
22 **Section 3.** Section 31-3-125, MCA, is amended to read:

23 **"31-3-125. Fees for disclosures to consumers.** ~~Except for a free credit report and a discounted~~
24 ~~credit report provided for in 31-3-122, A~~ a consumer reporting agency shall ~~make all disclosures~~ charge an
25 appropriate fee to the consumer for each disclosure pursuant to 31-3-122 and 31-3-124, ~~to the consumer,~~
26 ~~with appropriate fees to~~ The fees must be established by the department of commerce in accordance with
27 the Montana Administrative Procedure Act."

28 -END-