
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 509 Session of
2001

INTRODUCED BY ROBINSON, M. COHEN, TIGUE, HALUSKA, BEBKO-JONES,
CASORIO, DeLUCA, GRUCELA, JAMES, JOSEPHS, LAUGHLIN, LEDERER,
MICHLOVIC, OLIVER, PRESTON, SHANER, SOLOBAY, STABACK, TRICH
AND WALKO, FEBRUARY 6, 2001

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, FEBRUARY 6, 2001

AN ACT

1 Regulating consumer credit reporting; providing for obligations
2 of consumer credit reporting agencies, for requirements for
3 users of consumer reports, for obligations of furnishers of
4 credit information and for remedies and enforcement.

5 TABLE OF CONTENTS

6 Chapter 1. Preliminary Provisions

7 Section 101. Short title.

8 Section 102. Legislative findings and declaration.

9 Section 103. Definitions.

10 Section 104. Information collected and disseminated on
11 checking accounts.

12 Section 105. Notice of disclosures; Pennsylvania address.

13 Chapter 2. Obligations of Consumer Credit Reporting Agencies

14 Section 201. Permissible purposes for furnishing consumer
15 reports.

16 Section 202. Reporting of obsolete information prohibited.

17 Section 203. Investigative consumer reports.

18 Section 204. Compliance procedures.

1 Section 205. Disclosures to government agencies.
2 Section 206. Inspection of files.
3 Section 207. Disclosures to consumers.
4 Section 208. Conditions and form of disclosure to consumers.
5 Section 209. Procedure in case of disputed accuracy of
6 consumer report.
7 Section 210. Charges for disclosures.
8 Section 211. Public record information for employment purposes.
9 Section 212. Restrictions on investigative consumer reports.
10 Chapter 3. Requirements for Users of Consumer Reports
11 Section 301. Adverse actions based on consumer report.
12 Section 302. Credit transactions not initiated by consumer.
13 Section 303. Procedures to assure compliance.
14 Section 304. Unfair or deceptive acts or practices.
15 Chapter 4. Obligations of Furnishers of Credit Information
16 Section 401. Duty to provide accurate information.
17 Section 402. Duties of furnishers of information upon notice of
18 dispute.
19 Chapter 5. Remedies and Enforcement
20 Section 501. Civil liability for willful noncompliance.
21 Section 502. Civil liability for negligent noncompliance.
22 Section 503. Restrictions on other actions.
23 Section 504. Jurisdiction of courts; limitation on actions.
24 Section 505. Actions under Federal act.
25 Section 506. Criminal penalties.
26 Section 507. Enforcement.
27 Chapter 6. Miscellaneous Provisions
28 Section 601. Construction of act.
29 Section 602. Severability.
30 Section 603. Effective date.

1 The General Assembly of the Commonwealth of Pennsylvania
2 hereby enacts as follows:

3 CHAPTER 1

4 PRELIMINARY PROVISIONS

5 Section 101. Short title.

6 This act shall be known and may be cited as the Consumer
7 Credit Reporting Act.

8 Section 102. Legislative findings and declaration.

9 The General Assembly finds and declares that:

10 (1) An elaborate mechanism exists for investigating and
11 evaluating the credit worthiness, credit standing, credit
12 capacity and general reputation of consumers of this
13 Commonwealth.

14 (2) Consumer credit reporting agencies have assumed a
15 major role in assembling and evaluating consumer credit and
16 other information on consumers.

17 (3) There is a need to ensure that consumer credit
18 reporting agencies exercise their responsibilities with
19 fairness, impartiality and a respect for the consumer's right
20 to privacy.

21 (4) The purpose of this act is to require that consumer
22 credit reporting agencies adopt reasonable procedures for
23 meeting the needs of commerce for consumer credit, personnel,
24 insurance, renting of a dwelling unit and other information
25 in a manner which is fair and equitable to the consumer, with
26 regard to the confidentiality, accuracy, relevancy and proper
27 utilization of the information in accordance with the
28 requirements of this act.

29 (5) The extension of credit is a privilege and not a
30 right. Nothing in this act shall preclude a creditor from

1 denying credit to any applicant if the denial is based on
2 factors which are not inconsistent with current law or
3 regulation.

4 (6) Any clauses in contracts which prohibit any action
5 required by this act are not in the public interest and shall
6 be considered unenforceable. This shall not invalidate the
7 remaining terms of such a contract.

8 (7) Regulation of consumer credit reporting agencies is
9 in the public interest of the consumers of this Commonwealth.
10 Currently, however, a consumer of this Commonwealth who
11 alleges harm by an action or a decision of a consumer credit
12 reporting agency or a user of a consumer report or a
13 furnisher of credit information must contact the Federal
14 Trade Commission for relief. Therefore, the General Assembly
15 hereby declares that the intent of this act is to give the
16 Attorney General the authority to regulate consumer credit
17 reporting agencies pursuant to this act in a manner which
18 will best protect the interest of the people of this
19 Commonwealth and which will enable consumers of this
20 Commonwealth to seek relief for an alleged harm through the
21 Attorney General and the district attorneys of the several
22 counties.

23 Section 103. Definitions.

24 The following words and phrases when used in this act shall
25 have the meanings given to them in this section unless the
26 context clearly indicates otherwise:

27 "Adverse action." A denial or revocation of credit, a change
28 in the terms of an existing credit arrangement which is adverse
29 to the interests of the consumer, or a refusal to grant credit
30 in substantially the amount or on substantially the terms

1 requested.

2 (1) The term shall include:

3 (i) Any denial of, increase in any charge for or
4 reduction in the amount of insurance for personal, family
5 or household purposes made in connection with the
6 underwriting of insurance.

7 (ii) Any denial of employment or any other decision
8 made for employment purposes which adversely affects any
9 current or prospective employee.

10 (iii) Any action taken or determination made with
11 respect to a consumer for an application for an extension
12 of credit or an application for the renting of a dwelling
13 unit which is adverse to the interests of the consumer.

14 (2) The term shall not include:

15 (i) a refusal to extend additional credit to a
16 consumer under an existing credit arrangement where the
17 applicant is delinquent or otherwise in default under
18 that credit arrangement or where the additional credit
19 would exceed a credit limit previously established for
20 the consumer; or

21 (ii) a refusal or failure to authorize an account
22 transaction at a point of sale.

23 "Agency that compiles and maintains files on consumers on a
24 Statewide basis." Any consumer credit reporting agency that
25 regularly engages in the practice of assembling or evaluating,
26 and maintaining, for the purpose of furnishing consumer reports
27 to third parties bearing on a consumer's credit worthiness,
28 credit standing or credit capacity, each of the following
29 regarding consumers residing Statewide:

30 (1) Public record information.

1 (2) Credit account information from persons who furnish
2 that information regularly and in the ordinary course of
3 business.

4 "Consumer." A natural individual.

5 "Consumer credit reporting agency" or "agency." Any person
6 who, for monetary fees, dues or on a cooperative nonprofit
7 basis, regularly engages in whole or in part in the business of
8 assembling or evaluating consumer credit information or other
9 information on consumers for the purpose of furnishing consumer
10 reports to third parties. The term shall not include any
11 governmental agency whose records are maintained primarily for
12 traffic safety, law enforcement or licensing purposes.

13 "Consumer report" or "report."

14 (1) Any written, oral or other communication of any
15 information by a consumer credit reporting agency bearing on
16 a consumer's credit worthiness, credit standing or credit
17 capacity, which is used or is expected to be used, or
18 collected in whole or in part, for the purpose of serving as
19 a factor in establishing the consumer's eligibility for:

20 (i) credit to be used primarily for personal, family
21 or household purposes;

22 (ii) employment purposes;

23 (iii) renting of a dwelling unit; or

24 (iv) other purposes authorized under this act.

25 (2) The term does not include:

26 (i) any report containing information solely as to
27 transactions or experiences between the consumer and the
28 person making the report;

29 (ii) any communication of that information among
30 persons related by common ownership or affiliated by

1 corporate control;

2 (iii) any communication of other information among
3 persons related by common ownership or affiliated by
4 corporate control, if it is clearly and conspicuously
5 disclosed to the consumer that the information may be
6 communicated among those persons and the consumer is
7 given the opportunity, before the time that the
8 information is initially communicated, to direct that the
9 information not be communicated among those persons;

10 (iv) any authorization or approval of a specific
11 extension of credit directly or indirectly by the issuer
12 of a credit card or similar device;

13 (v) any report in which a person who has been
14 requested by a third party to make a specific extension
15 of credit directly or indirectly to a consumer conveys
16 the decision with respect to the request, if the third
17 party advises the consumer of the name and address of the
18 person to whom the request was made and the person makes
19 the disclosures to the consumer required under Chapter 3;

20 (vi) any report containing information solely on a
21 consumer's character, general reputation, personal
22 characteristics or mode of living which is obtained
23 through personal interviews with neighbors, friends or
24 associates of the consumer reported on or with others
25 with whom the consumer is acquainted or who may have
26 knowledge concerning those items of information;

27 (vii) any consumer credit report furnished for use
28 in connection with a transaction which consists of an
29 extension of credit to be used solely for a commercial
30 purpose; or

1 (viii) any excluded communication.

2 "Credit or insurance transaction which is not initiated by
3 consumer." This term does not include the use of a consumer
4 report by a person with which the consumer has an account or
5 insurance policy for purposes of reviewing the account or
6 insurance policy or collecting the account.

7 "Derogatory information." Information about a consumer's
8 credit worthiness, credit standing, credit capacity, character,
9 general reputation, personal characteristics or mode of living
10 that has led or could reasonably lead to credit for personal,
11 family or household purposes involving that consumer to be
12 denied or the charge for any credit to be increased.

13 "Employment purposes." When used in connection with a
14 consumer credit report, a report used for the purpose of
15 evaluating a consumer for employment, promotion, reassignment or
16 retention as an employee.

17 "Excluded communication." A communication:

18 (1) That is an investigative consumer report.

19 (2) Made to a prospective employer for the purpose of
20 procuring an employee for the employer or procuring an
21 opportunity for a natural person to work for the employer.

22 (3) Made by a person who regularly performs such
23 procurement.

24 (4) Not used by any person for any purpose other than a
25 purpose described in paragraphs (1) and (2).

26 (5) With respect to which the consumer who is the
27 subject of the communication:

28 (i) consents orally or in writing to the nature and
29 scope of the communication, before the collection of any
30 information for the purpose of making the communication;

1 (ii) consents orally or in writing to the making of
2 the communication to a prospective employer, before the
3 making of the communication; and

4 (iii) in the case of consent under subparagraph (i)
5 or (ii) given orally, is provided written confirmation of
6 that consent by the person making the communication, not
7 later than three business days after the receipt of the
8 consent by that person.

9 (6) With respect to which the person who makes the
10 communication does not, for the purpose of making the
11 communication, make any inquiry that if made by a prospective
12 employer of the consumer who is the subject of the
13 communication would violate any applicable Federal or State
14 equal employment opportunity law or regulation.

15 (7) With respect to which the person who makes the
16 communication:

17 (i) discloses in writing to the consumer who is the
18 subject of the communication, not later than five
19 business days after receiving any request from the
20 consumer for disclosure, the nature and substance of all
21 information in the consumer's file at the time of the
22 request, except that the sources of any information which
23 is acquired solely for use in making the communication
24 and is actually used for no other purpose need not be
25 disclosed other than under appropriate discovery
26 procedures in any court of competent jurisdiction in
27 which an action is brought; and

28 (ii) notifies the consumer who is the subject of the
29 communication in writing of the consumer's rights to
30 request the information described in subparagraph (i).

1 "Extension of credit." The right to defer payment of debt or
2 to incur debt and defer its payment, offered or granted
3 primarily for personal, family or household purposes.

4 "Federal act." The Fair Credit Reporting Act (Public Law 91-
5 508, 15 U.S.C. § 1681 et seq).

6 "File." When used in connection with information on any
7 consumer, all of the information on a consumer recorded and
8 retained by a consumer credit reporting agency regardless of how
9 the information is stored.

10 "Firm offer of credit." Any offer of credit or insurance to
11 a consumer which will be honored if the consumer is determined,
12 based on information in a consumer report on the consumer, to
13 meet the specific criteria used to select the consumer for the
14 offer, except that the offer may be further conditioned on one
15 or more of the following:

16 (1) The consumer being determined, based on information
17 in the consumer's application for credit or insurance, to
18 meet specific criteria bearing on credit worthiness or
19 insurability, as applicable, that are established before the
20 selection of the consumer for the offer and for the purpose
21 of determining whether to extend credit or insurance pursuant
22 to the offer.

23 (2) Verification:

24 (i) that the consumer continues to meet the specific
25 criteria used to select the consumer for the offer, by
26 using information in a consumer report on the consumer,
27 information in the consumer's application for the credit
28 or insurance or other information bearing on the credit
29 worthiness or insurability of the consumer; or

30 (ii) of the information in the consumer's

1 application for the credit or insurance to determine that
2 the consumer meets the specific criteria bearing on
3 credit worthiness or insurability.

4 (3) The consumer furnishing any collateral which is a
5 requirement for the extension of the credit or insurance that
6 was established before selection of the consumer for the
7 offer of credit or insurance and disclosed to the consumer in
8 the offer of credit or insurance.

9 "Investigative consumer report." A consumer report or
10 portion thereof in which information on a consumer's character,
11 general reputation, personal characteristics or mode of living
12 is obtained through personal interviews with neighbors, friends
13 or associates of the consumer reported on or with others with
14 whom the consumer is acquainted or who may have knowledge
15 concerning any item of information. However, the information
16 shall not include specific factual information on a consumer's
17 credit record obtained directly from a creditor of the consumer
18 or from a consumer credit reporting agency when the information
19 was obtained directly from a creditor of the consumer or from
20 the consumer.

21 "Item of information." Any of one or more informative
22 entries in a consumer report which causes a creditor to deny
23 credit to an applicant or to increase the cost of credit to an
24 applicant or deny an applicant a checking account with a bank or
25 other financial institution.

26 "Medical information." Information or records obtained, with
27 the consent of the individual to whom it relates, from licensed
28 physicians or medical practitioners, hospitals, clinics or other
29 medical or medically related facilities.

30 "Person." Any individual, partnership, corporation, trust,

1 estate, cooperative, association, government or governmental
2 subdivision or agency or other entity.

3 Section 104. Information collected and disseminated on checking
4 accounts.

5 Any person who, for monetary fees, dues or on a cooperative
6 nonprofit basis, regularly engages in whole or in part in the
7 practice of assembling, evaluating or disseminating information
8 on the checking account experiences of consumer customers of
9 banks or other financial institutions shall be subject to the
10 provisions of this act.

11 Section 105. Notice of disclosure; Pennsylvania address.

12 The notice of disclosures to consumers provided for in this
13 act shall be required to be made only to those consumers who
14 have a mailing address in this Commonwealth.

15 CHAPTER 2

16 OBLIGATIONS OF CONSUMER CREDIT REPORTING AGENCIES

17 Section 201. Permissible purposes for furnishing consumer
18 reports.

19 (a) In general.--A consumer credit reporting agency may
20 furnish a consumer report only under the following circumstances
21 and no other:

22 (1) In response to the order of a court having
23 jurisdiction to issue the order or a subpoena issued in
24 connection with proceedings before a State grand jury.

25 (2) In accordance with the written instruction of a
26 consumer to whom the consumer report relates.

27 (3) To a person which it has reason to believe:

28 (i) intends to use the information in connection with
29 a credit transaction involving the consumer on whom the
30 information is to be furnished and involving the

1 extension of credit to or review or collection of an
2 account of the consumer;

3 (ii) intends to use the information for employment
4 purposes;

5 (iii) intends to use the information in connection
6 with the underwriting of insurance involving the consumer
7 or for insurance of claims settlements;

8 (iv) intends to use the information in connection
9 with a determination of the consumer's eligibility for a
10 license or other benefit granted by a governmental
11 instrumentality required by law to consider an
12 applicant's financial responsibility or status;

13 (v) intends to use the information, as a potential
14 investor, servicer or current insurer, in connection with
15 a valuation of or an assessment of the credit or
16 prepayment risks associated with an existing credit
17 obligation; or

18 (vi) otherwise has a legitimate business need for
19 the information in connection with a business transaction
20 which is initiated by the consumer or to review an
21 account to determine whether the consumer continues to
22 meet the terms of the account.

23 (4) In response to a request by the head of a State or
24 local child support enforcement agency, or a State or local
25 government official authorized by the head of such agency, if
26 the person making the request certifies to the consumer
27 credit reporting agency that:

28 (i) the consumer report is needed for the purpose of
29 establishing an individual's capacity to make child
30 support payments or determining the appropriate level of

1 child support payments;

2 (ii) the paternity of the consumer for the child to
3 which the obligation relates has been established or
4 acknowledged by the consumer in accordance with law under
5 which the obligation arises, if required by such law;

6 (iii) the person has provided at least ten days'
7 prior notice to the consumer whose report is requested,
8 by certified or registered mail to the last known address
9 of the consumer, that the report will be requested; and

10 (iv) the consumer report will be kept confidential,
11 will be used solely for a purpose described in this
12 paragraph and will not be used in connection with any
13 other civil, administrative or criminal proceeding or for
14 any other purpose.

15 (5) To an agency administering a State plan for use to
16 set an initial or modified child support award pursuant to
17 section 454 of the Social Security Act (49 Stat. 620, 42
18 U.S.C. § 654).

19 (b) Conditions for furnishing and using consumer reports for
20 employment purposes.--

21 (1) A consumer credit reporting agency may furnish a
22 consumer report for employment purposes only if:

23 (i) The person who obtains the report from the
24 agency certifies to the agency that:

25 (A) the person has complied with paragraph (2)
26 with respect to the consumer report and the person
27 will comply with paragraph (3) with respect to the
28 consumer report if paragraph (3) becomes applicable;
29 and

30 (B) information from the consumer report will

1 not be used in violation of any applicable Federal or
2 State equal employment opportunity law or regulation.

3 (ii) The consumer credit reporting agency provides
4 with the report a summary of the consumer's rights under
5 this act.

6 (2) A person may not procure a consumer report or cause
7 a consumer report to be procured for employment purposes with
8 respect to any consumer unless:

9 (i) A clear and conspicuous disclosure has been made
10 in writing to the consumer at any time before the report
11 is to be procured or cause to be procured, in a document
12 which consists solely of the disclosure, that a consumer
13 report may be obtained for employment purposes.

14 (ii) The consumer has authorized in writing the
15 procurement or the report by that person.

16 (3) In using a consumer report for employment purposes,
17 before taking any adverse action based in whole or in part on
18 the report, the person intending to take the adverse action
19 shall provide the following to the consumer to whom the
20 report relates:

21 (i) A copy of the report.

22 (ii) A description in writing of the rights of a
23 consumer under this act.

24 (c) Furnishing consumer reports in connection with credit or
25 insurance transactions which are not initiated by the
26 consumer.--

27 (1) A consumer credit reporting agency may furnish a
28 consumer report relating to any consumer pursuant to
29 subsection (a)(3) in connection with any credit or insurance
30 transaction which is not initiated by the consumer only if:

1 (i) the consumer authorizes the consumer credit
2 reporting agency to provide the report to the person; or
3 (ii) (A) the transaction consists of a firm offer of
4 credit or insurance;
5 (B) the consumer reporting agency has complied
6 with subsection (e); and
7 (C) there is not in effect an election by the
8 consumer, made in accordance with subsection (e), to
9 have the consumer's name and address excluded from
10 lists of names provided by the consumer credit
11 reporting agency or to have access to the consumer's
12 consumer report blocked by the agency except when the
13 consumer is in the market for credit.

14 (2) A person may receive pursuant to paragraph (1)(ii)
15 only:

16 (i) The name and address of a consumer.
17 (ii) An identifier which is not unique to the
18 consumer and which is used by the person solely for the
19 purpose of verifying the identity of the consumer.
20 (iii) Other information pertaining to a consumer
21 which does not identify the relationship or experience of
22 the consumer with respect to a particular creditor or
23 other entity.

24 (d) Information regarding inquiries.--Except as provided in
25 section 207(a)(5), a consumer credit reporting agency shall not
26 furnish to any person a record of inquiries in connection with a
27 credit or insurance transaction which is not initiated by a
28 consumer.

29 (e) Election of consumer to be excluded from lists or to
30 have access to credit report blocked.--

1 (1) A consumer may elect to have the consumer's name and
2 address excluded from any list provided by a consumer credit
3 reporting agency in connection with a credit or insurance
4 transaction which is not initiated by the consumer or to have
5 access to the consumer's consumer report blocked by notifying
6 the agency that:

7 (i) the consumer does not consent to any use of a
8 consumer report relating to the consumer in connection
9 with any credit or insurance transaction which is not
10 initiated by the consumer; or

11 (ii) the consumer is not in the market for credit
12 and that access to the consumer's consumer report should
13 be blocked.

14 (2) A consumer who elects to have the consumer's name
15 excluded from any list provided by a consumer credit
16 reporting agency or to have access to the consumer's consumer
17 report blocked pursuant to paragraph (1) shall:

18 (i) notify the agency of such election through the
19 notification system maintained by the agency under
20 subsection (f); or

21 (ii) submit to the agency a signed notice of
22 election form issued by the agency for such purposes.

23 (3) Upon receipt of notification of the election of the
24 consumer under paragraph (1) through the notification system
25 maintained by the agency, a consumer credit reporting agency
26 shall:

27 (i) inform the consumer that the election is
28 effective only for the two-year period following the
29 election if the consumer does not submit to the agency a
30 signed notice of election form issued by the agency for

1 the purposes of paragraph (2)(ii);

2 (ii) provide to the consumer a notice of election
3 form, if requested by the consumer, not later than five
4 business days after receipt of the notification of the
5 election through the system established by the consumer
6 credit reporting agency in accordance with subsection
7 (f), in the case of a request made at the time the
8 consumer provides notification through the system; or

9 (iii) in the case of an election by a consumer to
10 have access to the consumer's consumer report blocked by
11 the agency, inform the consumer that the election shall
12 be effective until the consumer notifies the agency,
13 through the notification system established and
14 maintained by the agency, that the election is no longer
15 effective. The agency may require that the notice be in
16 writing.

17 (4) An election of a consumer to be excluded from a list
18 provided by the consumer credit reporting agency or to have
19 access to the consumer's consumer report blocked pursuant to
20 this subsection:

21 (i) shall be effective with respect to a consumer
22 credit reporting agency beginning five business days
23 after the date on which the consumer notifies the agency
24 in accordance with paragraph (2);

25 (ii) shall be effective with respect to a consumer
26 credit reporting agency:

27 (A) subject to subparagraph (iii), during the
28 two-year period beginning five business days after
29 the date on which the consumer notifies the consumer
30 credit reporting agency of the election, in the case

1 of an election made pursuant to paragraph (1)(i) for
2 which a consumer notifies the agency through the use
3 of the notification system established and maintained
4 by the agency; or

5 (B) until the consumer notifies the consumer
6 credit reporting agency in accordance with
7 subparagraph (iii), in the case of an election for
8 which a consumer notifies the agency through the use
9 of a notice of election form issued by the agency;

10 (iii) shall not be effective after the date on which
11 the consumer notifies the consumer credit reporting
12 agency, through the notification system established by
13 the agency, that the election is no longer effective; and

14 (iv) shall be effective with respect to each
15 affiliate of the consumer credit reporting agency.

16 (f) Notification system.--Each consumer credit reporting
17 agency which compiles and maintains files on consumers in this
18 Commonwealth shall establish and maintain a notification system
19 which permits any consumer whose report is maintained by the
20 agency to notify the agency, with appropriate identification, of
21 the consumer's election to have the consumer's name and address
22 excluded from any list of names and addresses which may be
23 provided by the agency in connection with a credit or insurance
24 transaction which is not initiated by the consumer or to have
25 access to the consumer's consumer report blocked by the agency
26 when the consumer is not in the market for credit. The
27 notification system may be established and maintained jointly
28 with other consumer credit reporting agencies that compile and
29 maintain files on consumers in this Commonwealth. The
30 notification system established by a consumer credit reporting

1 agency shall conform with the requirements of the Federal act
2 and any regulations promulgated by the Federal Trade Commission
3 pursuant to the Federal act.

4 (g) Prohibited uses of consumer reports.--A person shall not
5 use or obtain a consumer report for any purposes unless:

6 (1) The consumer report is obtained for a purpose for
7 which the consumer report is authorized to be furnished under
8 this act.

9 (2) The purpose is certified in accordance with section
10 204 by a prospective user of the report through a general or
11 specific certification.

12 (h) Furnishing of consumer reports containing medical
13 information.--A consumer credit reporting agency shall not
14 furnish for employment purposes or in connection with a credit
15 or insurance transaction or a direct marketing transaction a
16 consumer report which contains medical information about a
17 consumer unless the consumer consents to the furnishing of the
18 report.

19 (i) Election of consumer to have consumer report blocked.--A
20 consumer credit reporting agency shall not furnish a consumer
21 report on a consumer to any person for any purpose if the
22 consumer to whom the report relates has elected to have access
23 to his consumer report blocked by the agency in accordance with
24 subsection (e) unless that consumer has notified the consumer
25 credit reporting agency through the notification system
26 maintained and established by the agency that the election is no
27 longer effective.

28 Section 202. Reporting of obsolete information prohibited.

29 (a) Information excluded from consumer report.--Except as
30 authorized under subsection (b), no consumer credit reporting

1 agency may make any consumer report containing any of the
2 following items of information:

3 (1) Bankruptcies which, from the date of entry of the
4 order of relief or the date of adjudication, antedate the
5 report by more than ten years.

6 (2) Suits and judgments which, from the date of entry,
7 antedate the report by more than seven years or until the
8 governing statute of limitations has expired, whichever is
9 the longer period.

10 (3) Paid tax liens which, from the date of payment,
11 antedate the report by more than seven years.

12 (4) Accounts placed for collection or charged to profit
13 and loss which antedate the report by more than seven years.

14 (5) Records of arrest, indictment or conviction of a
15 crime which, from the date of disposition, release or parole
16 antedate the report by more than seven years.

17 (6) Any other adverse item of information which
18 antedates the report by more than seven years.

19 (b) Information included in consumer report.--The provisions
20 of subsection (a) shall not be applicable in the case of any
21 consumer report which will be used in connection with:

22 (1) A credit transaction involving or which may
23 reasonably be expected to involve a principal amount of
24 \$150,000, or more.

25 (2) The underwriting of life insurance involving or
26 which may reasonably be expected to involve a face amount of
27 \$150,000, or more.

28 (3) The employment of any individual at an annual salary
29 which equals or which may reasonably be expected to equal
30 \$75,000 or more.

1 (c) Running of reporting period.--The seven-year period
2 referred to in subsection (a)(4) and (6) shall begin, with
3 respect to any delinquent account which is placed for collection
4 (internally or by referral to a third party, whichever is
5 earlier), charged to profit and loss, or subjected to any
6 similar action, upon the expiration of the 180-day period
7 beginning on the date of the commencement of the delinquency
8 which immediately preceded the collection activity, charged to
9 profit and loss or similar action. Where more than one action is
10 taken with respect to a particular account, the seven-year
11 period specified in subsection (a)(4) and (6) shall commence
12 concurrently for all these actions on the date of the first of
13 such actions.

14 (d) Disclosure regarding bankruptcy.--Any consumer credit
15 reporting agency which furnishes a consumer report that contains
16 information regarding any case involving the consumer which
17 arises under the bankruptcy provisions of 11 U.S.C. (relating to
18 bankruptcy) shall include an identification of the chapter of
19 Title 11 under which the case arose, if such information can be
20 ascertained from the source of the information. If any case
21 arising or filed under 11 U.S.C. is withdrawn by the consumer
22 before a final judgment, the consumer credit reporting agency
23 shall include in the report that such case or filing was
24 withdrawn upon receipt of documentation certifying the
25 withdrawal.

26 (e) Closure of account by consumer.--If a consumer credit
27 reporting agency is notified pursuant to section 401(d) that a
28 credit account of a consumer was voluntarily closed by the
29 consumer, the agency shall indicate that fact in any consumer
30 report which includes information related to that account.

1 (f) Dispute by consumer.--If a consumer credit reporting
2 agency is notified pursuant to section 401(c) that information
3 regarding a consumer which was furnished to the agency is
4 disputed by the consumer, the agency shall indicate that fact in
5 each consumer report which includes the disputed information,
6 and the agency shall supply as part of the consumer report any
7 documentary material relevant to the dispute.

8 (g) Information on overdue child support obligations.--
9 Notwithstanding any other provision of this act, a consumer
10 credit reporting agency shall include in any consumer report
11 furnished by the agency in accordance with section 201 any
12 information on the failure of the consumer to pay overdue child
13 support which:

14 (1) is provided to the consumer credit reporting agency
15 by a State or local agency which administers a State or local
16 program for establishing and enforcing child support
17 obligations; and

18 (2) antedates the report by seven years or less.

19 Section 203. Investigative consumer reports.

20 (a) Disclosure of investigative consumer report.--A person
21 may not procure or cause to be prepared an investigative
22 consumer report on any consumer unless:

23 (1) It is clearly and accurately disclosed to the
24 consumer that an investigative consumer report including
25 information as to the consumer's character, general
26 reputation, personal characteristics and mode of living,
27 whichever are applicable, may be made, and the disclosure is
28 made in writing mailed or otherwise delivered to the consumer
29 not later than three days after the date on which the report
30 was first requested and includes a statement informing the

1 consumer of his right to request the additional disclosures
2 provided under subsection (b) and the written summary of the
3 rights of the consumer prepared pursuant to section 207(c).

4 (2) The person certifies or has certified to the
5 consumer credit reporting agency that the person has made the
6 disclosures required under paragraph (1) and will comply with
7 subsection (b).

8 (b) Disclosure on request of the nature and scope of
9 investigation.--Any person who procures or causes to be prepared
10 an investigative consumer report on any consumer shall, upon
11 written request made by the consumer within a reasonable period
12 of time after the receipt by the consumer of the disclosure
13 required under subsection (a)(1), make a complete and accurate
14 disclosure of the nature and scope of the investigation
15 requested. This disclosure shall be made in a writing mailed or
16 otherwise delivered to the consumer not later than five days
17 after the date on which the request for the disclosure was
18 received from the consumer or the report was first requested,
19 whichever is later.

20 (c) Limitation on liability upon showing of compliance with
21 disclosure requirements.--No person may be held liable for any
22 violation of subsection (a) or (b) if the person shows by a
23 preponderance of the evidence that at the time of the violation
24 the person maintained reasonable procedures to assure compliance
25 with the requirements of this section.

26 (d) Prohibitions.--A consumer credit reporting agency shall
27 not:

28 (1) Prepare or furnish an investigative consumer report
29 unless the agency has received a certification under
30 subsection (a)(2) from the person who requested the report.

1 (2) Make an inquiry for the purpose of preparing an
2 investigative consumer report on a consumer for employment
3 purposes if the making of the inquiry by an employer or
4 prospective employer of the consumer would violate any
5 applicable Federal or State equal employment opportunity law
6 or regulation.

7 (3) Except as otherwise provided in section 211, furnish
8 an investigative consumer report that includes information
9 which is a matter of public record and which relates to an
10 arrest, indictment, conviction, civil judicial action, tax
11 lien or outstanding judgment unless the consumer credit
12 reporting agency has verified the accuracy of the information
13 during the 30-day period ending on the date on which the
14 report is furnished.

15 (4) Prepare or furnish an investigative consumer report
16 on a consumer which contains information which is adverse to
17 the interest of the consumer and which is obtained through a
18 personal interview with a neighbor, friend or associate of
19 the consumer or with another person with whom the consumer is
20 acquainted or who has knowledge of such item of information
21 unless:

22 (i) the agency has followed reasonable procedures to
23 obtain confirmation of the information from an additional
24 source that has independent and direct knowledge of the
25 information; or

26 (ii) the person interviewed is the best possible
27 source of the information.

28 Section 204. Compliance procedures.

29 (a) Identity and purposes of credit users.--Every consumer
30 credit reporting agency shall maintain reasonable procedures

1 designed to avoid violations of section 202 and to limit the
2 furnishing of consumer reports to the purposes listed under
3 section 201. These procedures shall require that prospective
4 users of the information identify themselves, certify the
5 purpose for which the information is sought and certify that the
6 information will be used for no other purpose. A consumer credit
7 reporting agency shall keep a record of the purposes as stated
8 by the user. A consumer credit reporting agency shall make a
9 reasonable effort to verify the identity of a new prospective
10 user and the uses certified by the prospective user prior to
11 furnishing the user a consumer report. No consumer credit
12 reporting agency may furnish a consumer report to any person if
13 it has reasonable grounds for believing that the consumer report
14 will not be used for a permissible purpose listed in section
15 201. A consumer credit reporting agency shall not have
16 reasonable grounds for believing that a consumer report will be
17 used by the person for the purposes listed in section 201 unless
18 all of the following requirements are met:

19 (1) If the prospective user is a retail seller which
20 intends to issue credit to a consumer who appears in person
21 on the basis of an application for credit submitted in
22 person, the consumer credit reporting agency shall, with a
23 reasonable degree of certainty, match at least three
24 categories of identifying information within the file
25 maintained by the consumer credit reporting agency on the
26 consumer with the information provided to the agency by the
27 retail seller. The categories of identifying information may
28 include, but not be limited to, first and last name, month
29 and date of birth, driver's license number, place of
30 employment, current residence address, previous residence

1 address or Social Security number. The categories of
2 information shall not include mother's maiden name.

3 (2) If the prospective user is a retail seller which
4 intends to issue credit to a consumer who appears in person
5 on the basis of an application for credit submitted in
6 person, the retail seller certifies in writing to the
7 consumer credit reporting agency that it instructs its
8 employees and agents to inspect a photo identification of the
9 consumer at the time the application was submitted in person.
10 This paragraph shall not apply to an application for credit
11 which is submitted by mail.

12 (3) If the prospective user intends to extend credit by
13 mail pursuant to a solicitation by mail, the extension of
14 credit shall be mailed to the same address as on the
15 solicitation unless the prospective user verifies the address
16 change by, among other methods, contacting the person to whom
17 the extension of credit will be mailed.

18 (b) Accuracy of report.--Whenever a consumer credit
19 reporting agency prepares a consumer report it shall follow
20 reasonable procedures to assure maximum possible accuracy of the
21 information concerning the consumer about whom the report
22 concerns. These reasonable procedures shall include, but not be
23 limited to, permanent retention by the consumer credit reporting
24 agency in the consumer's file, or a separately individualized
25 file, of that portion of the data in the file which is used by
26 the consumer credit reporting agency to identify the individual
27 consumer pursuant to subsection (a)(1). The permanently retained
28 data shall be available for use in either a reinvestigation
29 pursuant to section 209, an investigation where the consumer has
30 filed a police report pursuant to 18 Pa.C.S. § 4120 (relating to

1 identity theft) or a restoration of a file involving a consumer.
2 If the permanently retained identifying information is in a
3 consumer's file, it shall be clearly identified in the file in
4 order for an individual who reviews the file to easily
5 distinguish between the permanently stored identifying
6 information and any other identifying information which may be a
7 part of the file. The retention requirement shall not apply to
8 data which is reported in error, which is obsolete or which is
9 found to be inaccurate through the results of a reinvestigation
10 initiated by the consumer pursuant to section 209.

11 (c) Disclosure of consumer reports by users authorized.--A
12 consumer credit reporting agency which furnishes a consumer
13 report to a user may not prohibit the user from disclosing the
14 contents of the consumer report to the consumer who is the
15 subject of the report if adverse action may be taken by the user
16 based in whole or in part on the contents of the consumer
17 report. The act of disclosure to the consumer by the user of the
18 contents of a consumer report shall not be a basis for liability
19 of the consumer credit reporting agency or the user under
20 section 501.

21 (d) Notice to users and furnishers of information.--A
22 consumer credit reporting agency shall provide a written notice
23 to any person who regularly and in the ordinary course of
24 business supplies information to the consumer credit reporting
25 agency concerning any consumer or to whom a consumer report is
26 provided by the consumer credit reporting agency. The notice
27 shall specify the person's obligations under this act and shall
28 conform with requirements for notice as prescribed by the
29 Federal Trade Commission pursuant to the Federal act.

30 (e) Procurement of a consumer report for resale.--

1 (1) A person may not procure a consumer report for
2 purposes of reselling the report or any information contained
3 in the report unless the person discloses to the consumer
4 credit reporting agency which originally furnishes the report
5 the identity of the end-user of the report or information
6 contained in the report and each permissible purpose under
7 section 201 for which the report or the information contained
8 in the report is furnished to the end-user of the report.

9 (2) A person who procures a consumer report for the
10 purposes of reselling the report or any information contained
11 in the report shall:

12 (i) establish and comply with reasonable procedures
13 designed to ensure that the consumer report or
14 information contained in the report is resold by the
15 person only for a purpose for which the report may be
16 furnished under section 201;

17 (ii) require that each person to which the consumer
18 report or information contained in the report is resold
19 and that resells or provides the report or information
20 contained in the report to any other person do the
21 following:

22 (A) identify each end-user of the resold report
23 or information contained in the report;

24 (B) certify each purpose for which the report or
25 information contained in the report will be used; and

26 (C) certify that the report or information
27 contained in the report will be used for no other
28 purpose; and

29 (iii) before reselling the report, make reasonable
30 efforts to verify the identifications and certifications

1 required to be made under this subsection.

2 Section 205. Disclosures to government agencies.

3 Notwithstanding the provisions of section 201, a consumer
4 credit reporting agency may furnish to a governmental agency a
5 consumer's name, address, former address, place of employment or
6 former place of employment.

7 Section 206. Inspection of files.

8 A consumer credit reporting agency shall, upon request and
9 proper identification of any consumer, allow a consumer to
10 visually inspect all files maintained regarding the consumer at
11 the time of the request. All information on a consumer in the
12 files of a consumer credit reporting agency at the time of a
13 request for inspection shall be available for inspection,
14 including the names and addresses of the sources for the
15 information contained in the files.

16 Section 207. Disclosures to consumers.

17 (a) Information on file; sources and recipients.--A consumer
18 reporting agency shall, upon request and subject to section
19 208(a), disclose to the consumer:

20 (1) All information in the consumer's file at the time
21 of the request, except that nothing in this paragraph shall
22 be construed to require a consumer credit reporting agency to
23 disclose to a consumer any information concerning credit
24 scores or any other risk scores or predictors relating to the
25 consumer.

26 (2) The sources of the information, except that the
27 sources of information acquired solely for use in preparing
28 an investigative consumer report and actually used for no
29 other purpose need not be disclosed. However, in the event an
30 action is brought under this act, such sources shall be

1 available to the plaintiff under appropriate discovery
2 procedures in the court in which the action is brought.

3 (3) (i) The identification of each person, including
4 each end-user of a consumer report or information
5 contained in a consumer report, that procured a
6 consumer report for the following purposes:

7 (A) for employment purposes during the two-year
8 period preceding the date on which the request is
9 made; or

10 (B) for any other purpose during the one-year
11 period preceding the date on which the request is
12 made.

13 (ii) An identification of a person under
14 subparagraph (i) shall include the following:

15 (A) the name of the person or, if applicable,
16 the fictitious business name under which the person
17 conducts business disclosed in full; and

18 (B) upon request of the consumer, the address
19 and telephone number of the person.

20 (4) The dates, original payees and amounts of any checks
21 upon which is based any adverse characterization of the
22 consumer included in the file at the time of the disclosure.

23 (5) A record of all inquiries received by the consumer
24 credit reporting agency during the one-year period preceding
25 the request which identified the consumer in connection with
26 a credit or insurance transaction which was not initiated by
27 the consumer.

28 (6) Financial information relating to the agency in the
29 form of a financial statement, including the most recent
30 regularly prepared balance sheet and a statement of income

1 and expenses.

2 (b) Applicability.--The requirements of subsection (a)
3 relating to the disclosure of sources of information and the
4 recipients of consumer reports shall not apply to information
5 received or consumer reports furnished prior to the effective
6 date of this act, except to the extent that the matter involved
7 is contained in the files of the consumer credit reporting
8 agency on that date.

9 (c) Summary of consumer rights with disclosure.--

10 (1) A consumer credit reporting agency shall provide to
11 a consumer, with each written disclosure by the agency to the
12 consumer under this section, a written summary of all rights
13 the consumer has under this act and in the case of a consumer
14 reporting agency that compiles and maintains files on
15 consumers on a Statewide basis, a toll-free telephone number
16 established by the agency at which personnel are accessible
17 to consumers during normal business hours.

18 (2) The summary of rights required under paragraph (1)
19 shall include:

20 (i) a brief description of this act and all rights
21 of consumers under this act;

22 (ii) an explanation of how the consumer may exercise
23 the rights of the consumer under this act;

24 (iii) the name, address and telephone number of the
25 State agency or agencies responsible for enforcing the
26 provisions of this act, and the names and telephone
27 numbers of the Federal agencies which enforce the Federal
28 act in a form which will enable the consumer to select
29 the appropriate agency;

30 (iv) a statement that the consumer may have

1 additional rights under the Federal act and that the
2 consumer may want to contact the Federal Trade Commission
3 or any other Federal agency with authority to enforce
4 provisions of the Federal act to learn of those rights;
5 and

6 (v) a statement that a consumer credit reporting
7 agency is not required to remove accurate derogatory
8 information from a consumer's file, unless the
9 information is outdated under section 202 or cannot be
10 verified.

11 (3) The form and content of any disclosure of the rights
12 of a consumer required under this subsection and any
13 disclosures with respect to consumers' rights required under
14 this act shall conform with the form and content summary of
15 consumers' rights prescribed by the Federal Trade Commission
16 pursuant to the Federal act. A consumer credit reporting
17 agency shall be deemed to be in compliance with this
18 subsection if it provides disclosures under paragraph (1)
19 which are substantially similar to the requirements
20 prescribed by the Federal Trade Commission pursuant to the
21 Federal act.

22 (d) Notice to consumer required upon receipt of change of
23 address.--Whenever a change-of-address notice is received by a
24 consumer credit reporting agency and the change-of-address
25 notice is followed within 30 days by a request for a credit
26 report on that consumer, the consumer credit reporting agency
27 shall notify the consumer, at the consumer's last confirmed
28 address, of its receipt of the change-of-address notice and the
29 subsequent request for the consumer's consumer report. The
30 notification shall be made within five business days of the

1 receipt by the consumer credit reporting agency of the request
2 for the consumer report. The notification may be made by
3 telephone or in writing. Notwithstanding any other provisions of
4 this act to the contrary, a consumer credit reporting agency
5 shall not furnish a consumer report to any person whenever a
6 request for the report is preceded by a change-of-address notice
7 unless and until the consumer credit reporting agency has
8 verified through procedures established by the agency that the
9 consumer to whom the report relates has knowledge of the change-
10 of-address notice and is in the market for credit.

11 Section 208. Conditions and form of disclosure to consumers.

12 (a) In general.--A consumer credit reporting agency shall
13 require, as a condition of making the disclosures required under
14 section 207, that the consumer furnish proper identification.
15 Except as provided in subsection (b), disclosures authorized
16 under section 207 shall be made in writing.

17 (b) Other forms of disclosure.--

18 (1) If authorized by a consumer, a consumer credit
19 reporting agency may make the disclosures required under
20 section 207 in a form other than in writing or in a form as
21 may be specified by the consumer in accordance with paragraph
22 (2) and which is available from the consumer credit reporting
23 agency.

24 (2) A consumer may specify pursuant to paragraph (1)
25 that disclosures under section 207 shall be made as follows:

26 (i) in person, upon the appearance of the consumer
27 at the place of business of the consumer credit reporting
28 agency where disclosures are regularly provided, during
29 normal business hours and on reasonable notice;

30 (ii) by telephone if the consumer has made a written

1 request for disclosure by telephone;

2 (iii) by electronic means if available from the
3 agency; or

4 (iv) by any other reasonable way which is available
5 from the agency.

6 (c) Trained personnel.--Each consumer credit reporting
7 agency shall provide trained personnel to explain to the
8 consumer any information furnished to the consumer pursuant to
9 section 207.

10 (d) Persons accompanying consumer.--The consumer shall be
11 permitted to be accompanied by one other person of the
12 consumer's choosing who shall furnish reasonable identification.
13 A consumer credit reporting agency may require the consumer to
14 furnish a written statement granting permission to the consumer
15 credit reporting agency to discuss the consumer's file in that
16 person's presence.

17 (e) Limitation on liability.--Except as provided in sections
18 501 and 502, no consumer may bring any action or proceeding in
19 the nature of defamation, invasion of privacy or gross
20 negligence with respect to the reporting of information against
21 any consumer credit reporting agency, any user of information or
22 any person who furnishes information to a consumer credit
23 reporting agency, based on information disclosed pursuant to
24 this section or section 207, 301 or 302 or based on information
25 disclosed by a user of a consumer report to or for a consumer
26 against whom the user has taken adverse action, based in whole
27 or in part on the report, except as to false information
28 furnished with malice or willful intent to injure such consumer.
29 Section 209. Procedure in case of disputed accuracy of consumer
30 report.

1 (a) Reinvestigation of disputed information required.--

2 (1) If the completeness or accuracy of any item of
3 information contained in a consumer's file at a consumer
4 credit reporting agency is disputed by the consumer and the
5 consumer or user on behalf of the consumer notifies the
6 agency directly of the dispute, the agency shall
7 reinvestigate, at no charge to the consumer, and record the
8 current status of the disputed information or delete the item
9 from the file in accordance with this subsection. The
10 reinvestigation shall be conducted before the end of the 30-
11 day period beginning on the date on which the agency receives
12 the notice of the dispute from the consumer. The 30-day
13 period may be extended for not more than 15 additional days
14 if the consumer credit reporting agency receives information
15 from the consumer during that period which is relevant to the
16 reinvestigation. The 30-day period shall not be extended if,
17 during the period, any information which is the subject of
18 the reinvestigation is found to be inaccurate or incomplete
19 or the consumer credit reporting agency determines that the
20 information cannot be verified.

21 (2) Before the expiration of the five-business-day
22 period beginning on the date on which a consumer credit
23 reporting agency receives notice of a dispute from any
24 consumer in accordance with paragraph (1), the agency shall
25 provide notification of the dispute to any person who
26 provided any item of information in dispute, at the address
27 and in the manner established by the person. The agency shall
28 promptly provide to the person all relevant information which
29 the agency has received regarding the dispute from the
30 consumer.

1 (3) (i) Notwithstanding paragraph (1), a consumer
2 credit reporting agency may terminate a reinvestigation
3 of information disputed by a consumer if the agency
4 reasonably determines that the dispute is frivolous or
5 irrelevant, including by reason of a failure by the
6 consumer to provide sufficient information to investigate
7 the disputed information.

8 (ii) Upon making a determination that a dispute is
9 frivolous or irrelevant, a consumer credit reporting
10 agency shall notify the consumer within five business
11 days of its findings. The notification shall be made by
12 mail or, if authorized by the consumer for that purpose,
13 by any other means available to the agency. The consumer
14 credit reporting agency shall include in the notice a
15 statement of the specific reasons why it has determined
16 that the dispute is frivolous or irrelevant and an
17 identification of any information required to investigate
18 the disputed information, which may consist of a
19 standardized form describing the general nature of the
20 information.

21 (iii) When reinvestigating disputed information in
22 the file of any consumer, the consumer credit reporting
23 agency shall review and consider all relevant information
24 submitted by the consumer with respect to the disputed
25 item of information within the 30-day period described in
26 paragraph (1).

27 (iv) If an item of information disputed by a
28 consumer is found to be inaccurate or incomplete or
29 cannot be verified after a reinvestigation, the consumer
30 credit reporting agency shall promptly delete that item

1 of information from the consumer's file or modify that
2 item of information, as appropriate, based on the results
3 of the reinvestigation.

4 (v) If an item of information is deleted from a
5 consumer's file, the information may not be reinserted in
6 the file by the consumer credit reporting agency unless
7 the person who furnishes the information certifies that
8 the information is complete and accurate. If any
9 information which has been deleted from a consumer's file
10 is reinserted in the file, the consumer credit reporting
11 agency shall notify the consumer of the reinsertion in
12 writing not later than five business days after the
13 reinsertion or, if authorized by the consumer for that
14 purpose, by any other means available to the consumer
15 credit reporting agency. As part of or in addition to the
16 notice, the agency shall provide to the consumer in
17 writing not less than five business days after the date
18 of the reinsertion the following:

19 (A) a statement that the disputed information
20 has been reinserted;

21 (B) a notice that the agency will provide to the
22 consumer, within 15 days following a request, the
23 name, address and telephone number of any furnisher
24 of information contacted or which contacted the
25 consumer credit reporting agency in connection with
26 the reinsertion of the information; and

27 (C) a notice that the consumer has the right to
28 add a statement to the consumer's file disputing the
29 accuracy or completeness of the disputed information.

30 (vi) A consumer credit reporting agency shall

1 maintain reasonable procedures designed to prevent the
2 reappearance in a consumer's file, and in any consumer
3 report on the consumer, of information which has been
4 deleted pursuant to this subsection, other than
5 information which is reinserted in accordance with this
6 subsection.

7 (vii) Any consumer credit reporting agency that
8 compiles and maintains files on consumers on a Statewide
9 basis shall implement an automated system through which
10 furnishers of information to that consumer credit
11 reporting agency may report the results of a
12 reinvestigation which finds incomplete or inaccurate
13 information in a consumer's file to other consumer credit
14 reporting agencies.

15 (4)(i) A consumer credit reporting agency shall provide
16 written notice to a consumer of the results of a
17 reinvestigation under this subsection within five
18 business days of the completion of the reinvestigation by
19 mail or, if authorized by the consumer for that purpose,
20 by any other means available to the agency. The notice
21 shall include:

22 (A) a statement that the reinvestigation is
23 completed;

24 (B) a consumer report which is based upon the
25 consumer's file as that file is revised as a result
26 of the reinvestigation;

27 (C) a description or indication of any changes
28 made in the consumer report as a result of those
29 revisions to the consumer's file;

30 (D) a notice that, if requested by the consumer,

1 a description of the procedure used to determine the
2 accuracy and completeness of the information shall be
3 provided to the consumer by the agency, including the
4 business name and address of any furnisher of
5 information contacted in connection with the
6 information and the telephone number of the
7 furnisher, if reasonably available;

8 (E) a notice that the consumer has the right to
9 add a statement to the consumer's file disputing the
10 accuracy or completeness of the information; and

11 (F) a notice that the consumer has the right to
12 request that the consumer credit reporting agency
13 furnish notification in accordance with subsection
14 (d).

15 (5) A consumer credit reporting agency shall provide to
16 a consumer a description of the procedure used to determine
17 the accuracy and completeness of information in a consumer's
18 file by not later than 15 days after receiving a request from
19 the consumer for the description.

20 (6) If a dispute regarding an item of information in a
21 consumer's file at a consumer credit reporting agency is
22 resolved by the deletion of the disputed information not
23 later than three business days after the date on which the
24 agency receives notice of the dispute from the consumer, the
25 agency shall not be required to comply with paragraphs (2),
26 (4) and (5) with respect to that dispute if the agency:

27 (i) provides prompt notice of the deletion to the
28 consumer by telephone;

29 (ii) includes in that notice, or in a written notice
30 which accompanies a confirmation and consumer report

1 provided in accordance with subparagraph (iii), a
2 statement of the consumer's right to request that the
3 agency furnish notification in accordance with subsection
4 (d); and

5 (iii) provides written confirmation of the deletion
6 and a copy of a consumer report on the consumer which is
7 based on the consumer's file after the deletion. The
8 written confirmation shall be provided not later than
9 five business days after the information is deleted from
10 the consumer's file.

11 (b) Statement of dispute.--If the reinvestigation does not
12 resolve the dispute, the consumer may file a brief statement
13 setting forth the nature of the dispute. The consumer credit
14 reporting agency may limit the statement to not more than 100
15 words if it provides the consumer with assistance in writing the
16 statement.

17 (c) Notification of dispute in subsequent reports.--Whenever
18 a statement of a dispute is filed by a consumer, the consumer
19 credit reporting agency shall, in any subsequent consumer report
20 containing the information which is the subject of the dispute,
21 clearly note that the information is disputed by the consumer
22 and provide either the consumer's statement or a clear and
23 accurate summary of the consumer's statement unless there is
24 reasonable grounds to believe that the dispute is frivolous or
25 irrelevant.

26 (d) Notification of the deletion of disputed information.--
27 Following any deletion of information from a consumer's file
28 pursuant to this section or following the filing of a statement
29 of dispute pursuant to subsection (b), the consumer credit
30 reporting agency shall, at the request of the consumer, furnish

1 notification that the item of information has been deleted or
2 that the item of information is disputed. In the case of
3 disputed information, the notification shall include the
4 statement or summary of the dispute filed pursuant to subsection
5 (b). The notification shall be furnished to any person,
6 specifically designated by the consumer, who has, within two
7 years prior to the deletion or the filing of the dispute,
8 received a consumer report concerning the consumer for
9 employment purposes, or who has, within six months of the
10 deletion or filing of the dispute, received a consumer report
11 concerning the consumer for any other purpose.

12 (e) Blocking of information in consumer file.--

13 (1) Whenever a consumer submits to a consumer credit
14 reporting agency a valid police report filed by the consumer
15 pursuant to 18 Pa.C.S. § 4120 (relating to identify theft),
16 the consumer credit reporting agency shall promptly and
17 permanently block reporting any information that the consumer
18 alleges appears on his credit report as a result of a
19 violation of 18 Pa.C.S. § 4120 so that the information cannot
20 be reported. The consumer credit reporting agency shall
21 promptly notify the furnishers of the information that the
22 information has been blocked. Furnishers of information and
23 consumer credit reporting agencies shall ensure that
24 information is unblocked only upon a preponderance of the
25 evidence establishing the facts required under paragraph
26 (2)(i), (ii) or (iii).

27 (2) Information permanently blocked pursuant to
28 paragraph (1) shall be unblocked only if:

29 (i) the information was blocked due to fraud;
30 (ii) the consumer agrees that the blocked

1 information or portion of the blocked information was
2 blocked in error; or

3 (iii) the consumer knowingly obtained possession of
4 goods, services or moneys as a result of the blocked
5 transaction or transactions or the consumer should have
6 known that he obtained possession of goods, services or
7 moneys as a result of the blocked transaction or
8 transactions.

9 (3) If blocked information is unblocked pursuant to this
10 subsection, the consumer shall be promptly notified in the
11 same manner as consumers are notified of the reinsertion of
12 information pursuant to subsection (a)(3)(v).

13 (4) The prior presence of the blocked information in the
14 consumer credit reporting agency's file on the consumer shall
15 not be evidence of whether the consumer knew or should have
16 known that the consumer obtained possession of any goods,
17 services or moneys.

18 (5) For the purposes of this subsection, fraud may be
19 demonstrated by circumstantial evidence.

20 (6) In unblocking information pursuant to this
21 subsection, furnishers of information in a consumer report
22 and in consumer credit reporting agencies shall be subject to
23 their respective requirements pursuant to this act regarding
24 the completeness and accuracy of information.

25 Section 210. Charges for disclosures.

26 (a) Reasonable charges authorized for certain disclosures.--
27 Except as otherwise provided, a consumer credit reporting agency
28 may impose a reasonable charge upon a consumer as follows:

29 (1) For making a disclosure to the consumer pursuant to
30 section 207, the consumer credit reporting agency may charge

1 a fee which shall not exceed \$8.

2 (2) For furnishing a notification, statement or summary
3 to any person pursuant to section 209(d), the consumer credit
4 reporting agency may charge a fee not exceeding the charge
5 which it would impose on each designated recipient for a
6 consumer report. The amount of the charge shall be indicated
7 to the consumer before furnishing the notification, statement
8 or summary.

9 (b) Free disclosure after adverse notice.--Each consumer
10 credit reporting agency which maintains a file on a consumer
11 shall make all disclosures pursuant to section 207 without
12 charge to the consumer if requested by the consumer within 60
13 days after receipt by such consumer of a notification pursuant
14 to Chapter 3 or of a notification from a debt collection agency
15 affiliated with that consumer credit reporting agency stating
16 that the consumer's credit rating may be or has been adversely
17 affected.

18 (c) Additional circumstances for free disclosure.--Upon the
19 request of the consumer, a consumer credit reporting agency
20 shall make all disclosures pursuant to section 207 once during
21 any 12-month period without charge to the consumer if the
22 consumer certifies in writing that:

23 (1) the consumer is unemployed and intends to apply for
24 employment in the 60-day period beginning on the date on
25 which the certification is made;

26 (2) the consumer is a recipient of public assistance; or

27 (3) the consumer has reason to believe that the file on
28 the consumer at the agency contains inaccurate information
29 due to fraud.

30 (d) Other charges prohibited.--A consumer credit reporting

1 agency shall not impose any charge on a consumer for providing
2 any notification required under this act or for making any
3 disclosure required under this act, except as authorized by
4 subsection (a).

5 Section 211. Public record information for employment purposes.

6 (a) Source of information.--Each consumer credit reporting
7 agency which compiles and reports items of information
8 concerning consumers which are matters of public record shall
9 specify in any report containing public record information the
10 source from which that information was obtained, including the
11 particular court, if applicable, and the date that the
12 information was initially reported or publicized.

13 (b) Reports for employment purposes.--A consumer credit
14 reporting agency which furnishes a consumer report for
15 employment purposes and which for those purposes compiles and
16 reports items of information on consumers which are matters of
17 public record and are likely to have an adverse effect upon a
18 consumer's ability to obtain employment shall:

19 (1) at the time the public record information is
20 reported to the user of the consumer report, notify the
21 consumer of the fact that public record information is being
22 reported by the consumer credit reporting agency, together
23 with the name and address of the person to whom the
24 information is being reported; or

25 (2) maintain strict procedures designed to ensure that
26 whenever public record information which is likely to have an
27 adverse effect on a consumer's ability to obtain employment
28 is reported it is complete and up-to-date. For the purpose of
29 this paragraph, items of public record relating to arrests,
30 indictments, convictions, suits, tax liens and outstanding

1 judgments shall be considered up-to-date if the current
2 public record status of the item at the time of the report is
3 included.

4 (c) Prohibited information.--No consumer credit reporting
5 agency which furnishes a consumer report for employment purposes
6 shall report information on the age, marital status, race, color
7 or creed of any consumer.

8 Section 212. Restrictions on investigative consumer reports.

9 Whenever a consumer credit reporting agency prepares an
10 investigative consumer report, no adverse information in the
11 consumer report, other than information which is a matter of
12 public record, may be included in a subsequent consumer report
13 unless the adverse information has been verified in the process
14 of making the subsequent consumer report or the adverse
15 information was received within the three-month period preceding
16 the date the subsequent report is furnished.

17 CHAPTER 3

18 REQUIREMENTS FOR USERS OF CONSUMER REPORTS

19 Section 301. Adverse actions based on consumer report.

20 (a) Duties of users taking adverse actions based on
21 information in consumer reports.--If any person takes any
22 adverse action with respect to any consumer which is based in
23 whole or in part on any information contained in a consumer
24 report, the person shall:

25 (1) Provide oral, written or electronic notice of the
26 adverse action to the consumer.

27 (2) Provide to the consumer orally, in writing or
28 electronically the following:

29 (i) the name, address and telephone number of the
30 consumer credit reporting agency which furnished the

1 report to the person, including a toll-free telephone
2 number established by the agency if the agency compiles
3 and maintains files on consumers on a Statewide basis;
4 and

5 (ii) a statement that the consumer credit reporting
6 agency did not make the decision to take the adverse
7 action and is unable to provide the consumer the specific
8 reasons why the adverse action was taken.

9 (3) Provide to the consumer an oral, written or
10 electronic notice of the consumer's right:

11 (i) to obtain under section 210 a free copy of a
12 consumer report on the consumer from the consumer credit
13 reporting agency referred to in paragraph (2), which
14 notice shall include an indication of the 60-day period
15 under that section for obtaining the copy; and

16 (ii) to dispute pursuant to section 209 with a
17 consumer credit reporting agency the accuracy or
18 completeness of any information in a consumer report
19 furnished by the agency.

20 (b) Adverse action based on information obtained from third
21 parties other than consumer credit reporting agencies.--Whenever
22 credit for personal, family or household purposes involving a
23 consumer is denied or the charge for the credit is increased
24 either wholly or partly because of information obtained from a
25 person other than a consumer credit reporting agency bearing
26 upon the consumer's credit worthiness, credit standing, credit
27 capacity, character, general reputation, personal
28 characteristics or mode of living, the users of the information
29 shall, within a reasonable period of time and upon the
30 consumer's written request for the reasons for that adverse

1 action received within 60 days after learning of the adverse
2 action, disclose the nature and substance of the information to
3 the consumer. The user of the information shall clearly and
4 accurately disclose to the consumer the right of the consumer to
5 make the written request at the time the adverse action is
6 communicated to the consumer.

7 (c) Duties of person taking certain actions based on
8 information provided by affiliate.--

9 (1) If a person takes an adverse action with respect to
10 a consumer, the person shall notify the consumer when the
11 action is based, in whole or in part, on the information
12 described in subsection (d). Notification shall contain a
13 statement that the consumer may obtain the information upon
14 written request received within 60 days after transmittal of
15 the notice to the consumer. Upon receipt of the written
16 request, the person shall disclose to the consumer the nature
17 of the information upon which the action is based not later
18 than 30 days after receipt of the request.

19 (2) For the purposes of paragraph (1), an action shall
20 be an adverse action if:

21 (i) in the case of an action taken in connection
22 with a transaction initiated by the consumer, it results
23 in a denial or revocation of credit, a change in the
24 terms of an existing credit arrangement or a refusal to
25 grant credit in substantially the amount or on
26 substantially the terms requested;

27 (ii) in the case of an action taken in connection
28 with the underwriting of insurance, it results in any
29 denial or cancellation of, increase in the charge for or
30 reduction or other adverse or unfavorable change in the

1 terms of coverage or amount of any insurance, existing or
2 applied for, for personal or family or household
3 purposes; or

4 (iii) in the case of an action taken in connection
5 with employment or prospective employment, it results in
6 a denial of employment or any other decision for
7 employment purposes which adversely affects any current
8 or prospective employee.

9 (d) Information described.--

10 (1) Information referred to in subsection (c)(2) is
11 information which:

12 (i) is furnished to the person taking the action by
13 a person related by common ownership or affiliated by
14 common corporate control to the person taking the action;
15 and

16 (ii) bears on the credit worthiness, credit
17 standing, credit capacity, character, general reputation,
18 personal characteristics or mode of living of the
19 consumer.

20 (2) Information referred to in subsection (c)(2) shall
21 not include:

22 (i) information solely as to transactions or
23 experiences between the consumer and the person
24 furnishing the information; or

25 (ii) information in a consumer report.

26 Section 302. Credit transactions not initiated by consumer.

27 (a) Duties of users making written credit or insurance
28 solicitations on the basis of information contained in consumer
29 file.--

30 (1) Any person who uses a consumer report on any

1 consumer in connection with any credit or insurance
2 transaction which is not initiated by the consumer and which
3 is provided to that person under section 201(c)(1)(ii) shall
4 provide with each written solicitation made to the consumer
5 regarding the transaction a clear and conspicuous statement
6 which specifies that:

7 (i) information contained in the consumer's consumer
8 report was used in connection with the transaction;

9 (ii) the consumer received the offer of credit or
10 insurance because the consumer satisfied the criteria for
11 credit worthiness or insurability under which the
12 consumer was selected for the offer;

13 (iii) if applicable, the credit or insurance may not
14 be extended if, after the consumer responds to the offer,
15 the consumer does not meet the criteria used to select
16 the consumer for the offer or any applicable criteria
17 bearing on credit worthiness or insurability or does not
18 furnish any required collateral;

19 (iv) the consumer has a right to prohibit
20 information contained in the consumer's file with any
21 consumer credit reporting agency from being used in
22 connection with any credit or insurance transaction which
23 is not initiated by the consumer; and

24 (v) the consumer may exercise the right referred to
25 in subparagraph (iv) by notifying a notification system
26 established by a consumer credit reporting agency
27 pursuant to section 201(f).

28 (2) A statement under paragraph (1) shall include the
29 address and toll-free telephone number of the appropriate
30 notification system established by a consumer credit

1 reporting agency under section 201(f).

2 (3) A person who makes an offer of credit or insurance
3 to a consumer under a credit or insurance transaction
4 described in paragraph (1) shall maintain on file the
5 criteria used to select the consumer to receive the offer;
6 all criteria bearing on credit worthiness or insurability, as
7 applicable, which are the basis for determining whether to
8 extend credit or insurance pursuant to the offer; and any
9 requirement for the furnishing of collateral as a condition
10 of the extension of credit or insurance, until the expiration
11 of the three-year period beginning on the date on which the
12 offer is made to the consumer.

13 Section 303. Procedures to assure compliance.

14 No person shall be held liable for any violation of this
15 chapter if such person shows by a preponderance of the evidence
16 that at the time of the alleged violation the person maintained
17 and followed reasonable procedures to assure compliance with
18 this chapter.

19 Section 304. Unfair or deceptive acts or practices.

20 Nothing in this chapter shall be construed to affect in any
21 manner the authority of the Attorney General or any other agency
22 of this Commonwealth to enforce a prohibition against unfair or
23 deceptive acts or practices, including the making of false or
24 misleading statements in connection with a credit or insurance
25 transaction which is not initiated by a consumer, pursuant to
26 the act of December 17, 1968 (P.L.1224, No.387), known as the
27 Unfair Trade Practices and Consumer Protection Law, or pursuant
28 to any other law of this Commonwealth.

29 CHAPTER 4

30 OBLIGATIONS OF FURNISHERS OF CREDIT INFORMATION

1 Section 401. Duty to provide accurate information.

2 (a) Reporting of information with actual knowledge of
3 errors; prohibitions.--

4 (1) A person shall not furnish any information relating
5 to a consumer to any consumer credit reporting agency if the
6 person knows, should have known or consciously avoids knowing
7 that the information is inaccurate.

8 (2) A person shall not furnish information relating to a
9 consumer to any consumer credit reporting agency if:

10 (i) the person has been notified by the consumer at
11 the address specified by the person for such notices that
12 specific information is inaccurate; and

13 (ii) the information is in fact inaccurate.

14 (b) Duty to correct and update information; notifications.--

15 A person who regularly and in the ordinary course of business
16 furnishes information to one or more consumer credit reporting
17 agencies about the person's own transactions or experiences with
18 any consumer and who furnishes to a consumer credit reporting
19 agency information that the person determines is not complete or
20 accurate shall promptly notify the consumer credit reporting
21 agency of that determination and provide to the agency any
22 corrections to that information, or any additional information,
23 that is necessary to make the information provided by the person
24 to the agency complete and accurate, and shall not thereafter
25 furnish to the agency any of the information that remains
26 incomplete or inaccurate.

27 (c) Duty to provide notice of dispute.--If the completeness
28 or accuracy of any information furnished by any person to any
29 consumer credit reporting agency is disputed to the person by a
30 consumer, the person may not furnish the information to any

1 consumer credit reporting agency without notice that the
2 information is disputed by the consumer.

3 (d) Duty to provide notice of closed accounts.--A person who
4 regularly and in the ordinary course of business furnishes
5 information to a consumer credit reporting agency regarding a
6 consumer who has a credit account with that person shall notify
7 the agency of the voluntary closure of the account by the
8 consumer, in information regularly furnished for the period in
9 which the account is closed.

10 (e) Duty to provide notice of delinquency of accounts.--A
11 person who furnishes information to a consumer credit reporting
12 agency regarding a delinquent account being placed for
13 collection, charged for profit or loss or subjected to any
14 similar action shall, not later than 90 days after furnishing
15 the information, notify the agency of the month and year of the
16 commencement of the delinquency which immediately preceded the
17 action and provide verification to the agency that the account
18 is in fact an account for which the consumer is obligated.

19 Section 402. Duties of furnishers of information upon notice of
20 dispute.

21 (a) In general.--After receiving notice of a dispute
22 pursuant to section 209(a)(2) with regard to the completeness or
23 accuracy of any information provided by a person to a consumer
24 credit reporting agency, the person shall:

25 (1) conduct an investigation with respect to the
26 disputed information;

27 (2) review all relevant information provided by the
28 consumer credit reporting agency pursuant to section
29 209(a)(2);

30 (3) report the results of the investigation to the

1 consumer credit reporting agency; and

2 (4) if the investigation finds that the information is
3 incomplete or inaccurate, report those results to all
4 consumer credit reporting agencies to which the person
5 furnished the information and which compile and maintain
6 files on consumers of this Commonwealth on a Statewide basis.

7 (b) Time frame for investigation.--A person shall complete
8 all investigations, reviews and reports required under
9 subsection (a) regarding information provided by the person to a
10 consumer credit reporting agency before the expiration of the
11 period under section 209(a)(1) within which the consumer credit
12 reporting agency is required to complete actions required by
13 that section regarding that information.

14 (c) Limitation on liability.--

15 (1) Sections 501 and 502 shall not apply to any failure
16 to comply with section 401 except that this limitation on
17 liability shall not apply to any action brought by the
18 Attorney General or a district attorney on behalf of the
19 residents of this Commonwealth to recover:

20 (i) damages for which the person is liable to
21 Commonwealth residents under sections 501 and 502 as a
22 result of such violations;

23 (ii) in the case of a violation of section 401,
24 damages for which the person would be liable to such
25 residents as a result of the violation; or

26 (iii) damages of not more than \$1,000 for each
27 willful or negligent violation.

28 (2) The Attorney General and the district attorneys of
29 the several counties shall have no authority to recover
30 damages under this section unless the person has been

1 enjoined from committing a violation in an action brought by
2 the Attorney General or district attorney and the person has
3 violated the injunction. In an action against a person to
4 recover damages pursuant to paragraph (1) for a violation of
5 section 401(a), neither the Attorney General nor a district
6 attorney may recover any damages incurred before the date of
7 the violation of an injunction on which the action is based.

8 CHAPTER 5

9 REMEDIES AND ENFORCEMENT

10 Section 501. Civil liability for willful noncompliance.

11 (a) In general.--Any person who willfully fails to comply
12 with any requirements imposed under this act with respect to any
13 consumer shall be liable to that consumer in an amount equal to
14 the sum of:

15 (1) either:

16 (i) actual damages sustained by the consumer as a
17 result of the failure or damages of not less than \$100
18 and not more than \$1,000, whichever is greater; or

19 (ii) in the case of liability of a natural person
20 for obtaining a consumer report under false pretenses or
21 knowingly without a permissible purpose, actual damages
22 sustained by the consumer as a result of the failure or
23 \$1,000, whichever is greater;

24 (2) such amount of punitive damages as the court may
25 allow; and

26 (3) in the case of any successful action to enforce any
27 liability under this section, the costs of the action
28 together with reasonable attorney fees as determined by the
29 court.

30 (b) Civil liability for knowing noncompliance.--Any person

1 who obtains a consumer report from a consumer credit reporting
2 agency under false pretenses or knowingly without a permissible
3 purpose shall be liable to the consumer credit reporting agency
4 for actual damages sustained by the consumer credit reporting
5 agency or \$1,000, whichever is greater.

6 (c) Attorney fees.--Upon a finding by the court that an
7 unsuccessful pleading, motion or other paper filed in connection
8 with an action under this section was filed in bad faith or for
9 the purposes of harassment, the court shall award to the
10 prevailing party attorney fees reasonable in relation to the
11 work expended in responding to the pleading, motion or other
12 paper.

13 Section 502. Civil liability for negligent noncompliance.

14 (a) In general.--Any person who is negligent in failing to
15 comply with any requirement imposed under this act with respect
16 to any consumer shall be liable to that consumer in an amount
17 equal to the sum of:

18 (1) any actual damages sustained by the consumer as a
19 result of the failure; or

20 (2) in the case of any successful action to enforce any
21 liability under this section, the costs of the action
22 together with reasonable attorney fees as determined by the
23 court.

24 (b) Attorney fees.--On a finding that an unsuccessful
25 pleading, motion or other paper filed in connection with an
26 action under this section was filed in bad faith for purposes of
27 harassment, the court shall award to the prevailing party
28 attorney fees reasonable in relation to the work expended in
29 responding to the pleading, motion or other paper.

30 Section 503. Restrictions on other actions.

1 Except as provided in sections 501 and 502, a consumer may
2 not bring any action or proceeding in the nature of defamation,
3 invasion of privacy or gross negligence with respect to the
4 reporting of information against any consumer credit reporting
5 agency based on information disclosed in accordance with the
6 requirements of this act, except as to false information
7 furnished with malice or willful intent to injure the consumer.

8 Section 504. Jurisdiction of courts; limitation on actions.

9 An action to enforce any liability created under this act may
10 be brought in any court of competent jurisdiction within two
11 years from the date on which the liability arises except that,
12 where a defendant has materially and willfully misrepresented
13 any information required under this act to be disclosed to an
14 individual and the information so misrepresented is material to
15 the establishment of the defendant's liability to that
16 individual under this act, the action may be brought at any time
17 within two years after discovery by the individual of the
18 misrepresentation.

19 Section 505. Actions under Federal act.

20 The entry of a final judgment against a consumer credit
21 reporting agency or user of information in an action brought
22 pursuant to the Federal act shall be a bar to the maintenance of
23 any action based on the same act or omission which might be
24 brought under this act.

25 Section 506. Criminal penalties.

26 (a) Obtaining information under false pretenses.--Any person
27 who knowingly and willfully obtains or attempts to obtain
28 information on a consumer from a consumer credit reporting
29 agency under false pretenses commits a misdemeanor of the second
30 degree for the first offense. Any person who violates this

1 subsection for a second or subsequent offense commits a
2 misdemeanor of the first degree.

3 (b) Unauthorized disclosures by officers or employees.--Any
4 officer or employee of a consumer credit reporting agency who
5 knowingly or willfully provides information concerning an
6 individual from the agency files to a person not authorized to
7 receive that information commits a misdemeanor of the second
8 degree for a first offense. Any officer or employee of a
9 consumer credit reporting agency who violates this subsection
10 for a second or subsequent offense commits a misdemeanor of the
11 first degree.

12 (c) Evidence.--A conviction for a violation of 18 Pa.C.S. §
13 4120 (relating to identity theft) is prima facie evidence of the
14 inaccuracy of derogatory information in a consumer report, if
15 subsequent to the violation the information appears in the
16 report of a consumer whose personal identifying information is
17 the subject of the violation. Upon notification of the
18 conviction, the consumer credit reporting agency shall delete
19 the derogatory information from the consumer's file. The
20 consumer credit agency shall include, if available, a copy of
21 the sentencing order in the report of a consumer whose personal
22 identifying information is the subject of the conviction. The
23 information may not be reinserted in the file by the consumer
24 credit reporting agency unless the person who furnishes the
25 information certifies that the information is accurate.

26 Section 507. Enforcement.

27 (a) Attorney General.--The Attorney General shall be charged
28 with the enforcement of this act and shall promulgate rules and
29 regulations for its proper enforcement. The rules and
30 regulations shall conform and shall be construed to conform with

1 the purposes expressed in section 601.

2 (b) District attorneys.--The district attorneys of the
3 several counties shall have authority to investigate and to
4 institute criminal proceedings for a violation of this act.

5 (c) Civil penalty.--In addition to preceding under any other
6 remedy available at law or in equity for a knowing violation of
7 this act, which constitutes a pattern or practice of violations
8 of any provisions of this act, the Attorney General and a
9 district attorney of any county may commence a civil action to
10 recover a civil penalty in any court having jurisdiction against
11 any person who violates this act. The amount of civil penalty
12 shall not exceed \$2,500 for each violation. No civil penalty
13 shall be assessed unless the person charged has been given
14 notice and opportunity for hearing as provided by law. In
15 determining the amount of a civil penalty, the court shall
16 consider the gravity of the violation, including any history of
17 prior violations.

18 (d) Injunctive relief.--In addition to any other remedies
19 provided under this act, the Attorney General or a district
20 attorney of any county may apply to a court having jurisdiction
21 for a temporary or permanent injunction restraining a person
22 from violating this act or any regulation adopted under this
23 act, regardless of whether there exists an adequate remedy at
24 law.

25 CHAPTER 6

26 MISCELLANEOUS PROVISIONS

27 Section 601. Construction of act.

28 The provisions of this act and the regulations promulgated
29 under this act shall be construed in a manner which is
30 consistent with the Federal act and regulations promulgated

1 under that act. The Attorney General and the district attorneys
2 of the several counties shall not ordain or enforce requirements
3 relating to consumer credit reporting of any kind or description
4 other than those provided for under the Federal act, unless the
5 requirements give greater protection to consumers than are
6 provided under the Federal act. Nothing in this act shall be
7 interpreted as preempting the jurisdiction of the Federal
8 Government in connection with consumer credit reporting.

9 Section 602. Severability.

10 The provisions of this act are severable. If any provision of
11 this act or its application to any person or circumstance is
12 held invalid, the invalidity shall not affect other provisions
13 or applications of this act which can be given effect without
14 the invalid provision or application.

15 Section 603. Effective date.

16 This act shall take effect in 60 days.