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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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JANUARY 21, 1998

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REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, JANUARY 21, 1998

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AN ACT

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

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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 has been developed for  
11 investigating and evaluating the credit worthiness, credit  
12 standing, credit capacity and general reputation of consumers  
13 of this 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 providing the denial is based  
2 on 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 that he or she was harmed by an action or a decision  
12 of a consumer credit reporting agency or a user of a consumer  
13 report or a furnisher of credit information must contact the  
14 Federal Trade Commission for relief. Therefore, the General  
15 Assembly hereby declares that the intent of this act is to  
16 give the Attorney General the authority to regulate consumer  
17 credit reporting agencies pursuant to this act in a manner  
18 which 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 rather than through the Federal Trade  
22 Commission.

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 such 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  
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 such persons and the consumer is given  
7 the opportunity, before the time that the information is  
8 initially communicated, to direct that such information  
9 not be communicated among such 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 his or her decision with respect to such request, if the  
17 third party advises the consumer of the name and address  
18 of the person to whom the request was made and such  
19 person makes the disclosures to the consumer required  
20 under Chapter 3;

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

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

1           purpose; or

2           (viii) any excluded communication.

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

8       "Employment purposes." When used in connection with a  
9 consumer credit report, a report used for the purpose of  
10 evaluating a consumer for employment, promotion, reassignment or  
11 retention as an employee.

12       "Excluded communications." A communication is an excluded  
13 communication if it is:

14           (1) an investigative consumer report;

15           (2) made to a prospective employer for the purpose of  
16 procuring an employee for the employer or procuring an  
17 opportunity for a natural person to work for the employer;

18           (3) made by a person who regularly performs such  
19 procurement;

20           (4) not used by any person for any purpose other than a  
21 purpose described in paragraphs (1) and (2); or

22           (5) with respect to which the consumer who is the  
23 subject of the communication:

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

27               (ii) consents orally or in writing to the making of  
28 the communication to a prospective employer, before the  
29 making of the communication; and

30               (iii) in the case of consent under subparagraph (i)



1 or (ii) given orally, is provided written confirmation of  
2 that consent by the person making the communication, not  
3 later than three business days after the receipt of the  
4 consent by that person;

5 (6) with respect to which the person who makes the  
6 communication does not, for the purpose of making the  
7 communication, make any inquiry that if made by a prospective  
8 employer of the consumer who is the subject of the  
9 communication would violate any applicable Federal or State  
10 equal employment opportunity law or regulation; and

11 (7) with respect to which the person who makes the  
12 communication:

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

24 (ii) notifies the consumer who is the subject of the  
25 communication in writing of the consumer's rights to  
26 request the information described in clause (i).

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

30 "Federal act." The Fair Credit Reporting Act (Public Law 91-

1 508, 15 U.S.C. § 1681 et seq).

2 "File." When used in connection with information on any  
3 consumer, all of the information on a consumer recorded and  
4 retained by a consumer credit reporting agency regardless of how  
5 the information is stored.

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

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

19 (2) Verification:

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

26 (ii) of the information in the consumer's  
27 application for the credit or insurance to determine that  
28 the consumer meets the specific criteria bearing on  
29 credit worthiness or insurability.

30 (3) The consumer furnishing any collateral which is a

1 requirement for the extension of the credit or insurance that  
2 was established before selection of the consumer for the  
3 offer of credit or insurance and disclosed to the consumer in  
4 the offer of credit or insurance.

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

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

22 "Lender." Any person organized, chartered or holding a  
23 license or authorization certificate to make loans or extensions  
24 of credit pursuant to the laws of the United States or this  
25 Commonwealth who is subject to regulation and supervision by an  
26 official or agency of the United States or the Commonwealth.

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

1 "Person." Any individual, partnership, corporation, trust,  
2 estate, cooperative, association, government or governmental  
3 subdivision or agency or other entity.

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

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

12 Section 105. Notice of disclosure; Pennsylvania address.

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

## 16 CHAPTER 2

### 17 OBLIGATIONS OF CONSUMER CREDIT REPORTING AGENCIES

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

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

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

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

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

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

1 information is to be furnished and involving the  
2 extension of credit to or review or collection of an  
3 account of the consumer;

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

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

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

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

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

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

29 (i) the consumer report is needed for the purpose of  
30 establishing an individual's capacity to make child

1 support payments or determining the appropriate level of  
2 such payments;

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

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

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

16 (5) To an agency administering a State plan for use to  
17 set an initial or modified child support award pursuant to 42  
18 U.S.C. § 654 (relating to State plan for child and spousal  
19 support).

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

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

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

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

1 (B) information from the consumer report will  
2 not be used in violation of any applicable Federal or  
3 State equal employment opportunity law or regulation.

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

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

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

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

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

22 (i) A copy of the report.

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

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

28 (1) A consumer credit reporting agency may furnish a  
29 consumer report relating to any consumer pursuant to  
30 subsection (a)(3) in connection with any credit or insurance

1 transaction which is not initiated by the consumer only if:

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

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

16 only:

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

25 (d) Information regarding inquiries.--Except as provided in

26 section 207(a)(5), a consumer credit reporting agency shall not

27 furnish to any person a record of inquiries in connection with a

28 credit or insurance transaction which is not initiated by a

29 consumer.

30 (e) Election of consumer to be excluded from lists or to



1 have access to credit report blocked.--

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

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

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

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

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

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

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

28 (i) inform the consumer that the election is  
29 effective only for the two-year period following the  
30 election if the consumer does not submit to the agency a

1 signed notice of election form issued by the agency for  
2 the purposes of paragraph (2)(ii);

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

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

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

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

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

28 (A) subject to subparagraph (iii), during the  
29 two-year period beginning five business days after  
30 the date on which the consumer notifies the consumer

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

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

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

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

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

1 notification system established by a consumer credit reporting  
2 agency shall conform with the requirements of the Federal act  
3 and any regulations promulgated by the Federal Trade Commission  
4 pursuant to the Federal act.

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

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

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

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

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

29 Section 202. Reporting of obsolete information prohibited.

30 (a) Information excluded from consumer report.--Except as

1 authorized under subsection (b), no consumer credit reporting  
2 agency may make any consumer report containing any of the  
3 following items of information:

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

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

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

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

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

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

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

23 (1) A credit transaction involving or which may  
24 reasonably be expected to involve a principal amount of  
25 \$150,000, or more.

26 (2) The underwriting of life insurance involving or  
27 which may reasonably be expected to involve a face amount of  
28 \$150,000, or more.

29 (3) The employment of any individual at an annual salary  
30 which equals or which may reasonably be expected to equal

1       \$75,000 or more.

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

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

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

1 report which includes information related to that account.

2 (f) Dispute by consumer.--If a consumer credit reporting  
3 agency is notified pursuant to section 401(c) that information  
4 regarding a consumer which was furnished to the agency is  
5 disputed by the consumer, the agency shall indicate that fact in  
6 each consumer report which includes the disputed information.

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

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

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

18 Section 203. Investigative consumer reports.

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

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

1 b) and the written summary of the rights of the consumer  
2 prepared pursuant to section 207(c).

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

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

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

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

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

30 (2) Make an inquiry for the purpose of preparing an



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

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

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

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

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

27       Section 204. Compliance procedures.

28        (a) Identity and purposes of credit users.--Every consumer  
29       credit reporting agency shall maintain reasonable procedures  
30       designed to avoid violations of section 202 and to limit the

1 furnishing of consumer reports to the purposes listed under  
2 section 201. These procedures shall require that prospective  
3 users of the information identify themselves, certify the  
4 purpose for which the information is sought and certify that the  
5 information will be used for no other purpose. From the  
6 effective date of this act, every consumer credit reporting  
7 agency shall keep a record of the purposes as stated by the  
8 user. Every 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 such prospective user prior to  
11 furnishing such 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 section 506(c) or a

1 restoration of a file involving a consumer. If the permanently  
2 retained identifying information is in a consumer's file, it  
3 shall be clearly identified in the file in order for an  
4 individual who reviews the file to easily distinguish between  
5 the permanently stored identifying information and any other  
6 identifying information which may be a part of the file. The  
7 retention requirement shall not apply to data which is reported  
8 in error, which is obsolete or which is found to be inaccurate  
9 through the results of a reinvestigation initiated by the  
10 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 on a consumer may not prohibit such user from  
14 disclosing the contents of the consumer report to the consumer  
15 who is the subject of the report if adverse action may be taken  
16 by the user based in whole or in part on the contents of the  
17 consumer report. The act of disclosure to the consumer by the  
18 user of the contents of a consumer report shall not be a basis  
19 for liability of the consumer credit reporting agency or the  
20 user under 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 such 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       Every consumer credit reporting agency shall, upon request  
9   and proper identification of any consumer, allow a consumer to  
10   visually inspect all files maintained regarding such 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.--Every  
18   consumer reporting agency shall, upon request and subject to  
19   section 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, provided that, in the  
30       event an action is brought under this act, such sources shall

1 be 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 each  
4 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 such 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 (b) The requirements of subsection (a) relating to the  
29 disclosure of sources of information and the recipients of  
30 consumer reports shall not apply to information received or

1 consumer reports furnished prior to the effective date of this  
2 act, except to the extent that the matter involved is contained  
3 in the files of the consumer credit reporting agency on that  
4 date.

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

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

14 (2) The summary of rights required under paragraph (1)  
15 shall include:

16 (i) a brief description of this act and all rights  
17 of consumers under this act;

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

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

26 (iv) a statement that the consumer may have  
27 additional rights under the Federal act and that the  
28 consumer may want to contact the Federal Trade Commission  
29 or any other Federal agency with authority to enforce  
30 provisions of the Federal act to learn of those rights;



1           and

2           (v) a statement that a consumer credit reporting  
3           agency is not required to remove accurate derogatory  
4           information from a consumer's file, unless such  
5           information is outdated under section 202 or cannot be  
6           verified.

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

18          (d) Notice to consumer required upon receipt of change of  
19          address.--Whenever a change-of-address notice is received by a  
20          consumer credit reporting agency and such change-of-address  
21          notice is followed within 30 days by a request for a credit  
22          report on that consumer, the consumer credit reporting agency  
23          shall notify the consumer, at the consumer's last confirmed  
24          address, of its receipt of the change-of-address notice and the  
25          subsequent request for the consumer's consumer report. The  
26          notification shall be made within five business days of the  
27          receipt by the consumer credit reporting agency of the request  
28          for the consumer report. The notification may be made by  
29          telephone or in writing. Notwithstanding any other provisions of  
30          this act to the contrary, a consumer credit reporting agency

1 shall not furnish a consumer report to any person whenever a  
2 request for such report is preceded by a change-of-address  
3 notice unless and until the consumer credit reporting agency has  
4 verified through procedures established by the agency that the  
5 consumer to whom the report relates has knowledge of the change-  
6 of-address notice and is in the market for credit.

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

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

13 (b) Other forms of disclosure.--

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

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

22 (i) in person, upon the appearance of the consumer  
23 at the place of business of the consumer credit reporting  
24 agency where disclosures are regularly provided, during  
25 normal business hours and on reasonable notice;

26 (ii) by telephone if the consumer has made a written  
27 request for disclosure by telephone;

28 (iii) by electronic means if available from the  
29 agency; or

30 (iv) by any other reasonable way which is available

1 from the agency.

2 (c) Trained personnel.--Each consumer credit reporting  
3 agency shall provide trained personnel to explain to the  
4 consumer any information furnished to him pursuant to section  
5 207.

6 (d) Persons accompanying consumer.--The consumer shall be  
7 permitted to be accompanied by one other person of his choosing  
8 who shall furnish reasonable identification. A consumer credit  
9 reporting agency may require the consumer to furnish a written  
10 statement granting permission to the consumer credit reporting  
11 agency to discuss the consumer's file in such person's presence.

12 (e) Limitation on liability.--Except as provided in sections  
13 501 and 502, no consumer may bring any action or proceeding in  
14 the nature of defamation, invasion of privacy or gross  
15 negligence with respect to the reporting of information against  
16 any consumer credit reporting agency, any user of information or  
17 any person who furnishes information to a consumer credit  
18 reporting agency, based on information disclosed pursuant to  
19 section 207, 208, 301 or 302 or based on information disclosed  
20 by a user of a consumer report to or for a consumer against whom  
21 the user has taken adverse action, based in whole or in part on  
22 the report, except as to false information furnished with malice  
23 or willful intent to injure such consumer.

24 Section 209. Procedure in case of disputed accuracy of consumer  
25 report.

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

27 (1) If the completeness or accuracy of any item of  
28 information contained in a consumer's file at a consumer  
29 credit reporting agency is disputed by the consumer and the  
30 consumer or user on behalf of the consumer notifies the

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

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

26 (3)(i) Notwithstanding paragraph (1), a consumer credit  
27 reporting agency may terminate a reinvestigation of  
28 information disputed by a consumer if the agency  
29 reasonably determines that the dispute is frivolous or  
30 irrelevant, including by reason of a failure by the

1 consumer to provide sufficient information to investigate  
2 the disputed information.

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

16 (iii) When reinvestigating disputed information in  
17 the file of any consumer, the consumer credit reporting  
18 agency shall review and consider all relevant information  
19 submitted by the consumer with respect to the disputed  
20 item of information within the 30-day period described in  
21 paragraph (1).

22 (iv) If an item of information disputed by a  
23 consumer is found to be inaccurate or incomplete or  
24 cannot be verified after a reinvestigation, the consumer  
25 credit reporting agency shall promptly delete that item  
26 of information from the consumer's file or modify that  
27 item of information, as appropriate, based on the results  
28 of the reinvestigation.

29 (v) If an item of information is deleted from a  
30 consumer's file, the information may not be reinserted in

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

14 (A) a statement that the disputed information  
15 has been reinserted;

16 (B) a notice that the agency will provide to the  
17 consumer, within 15 days following a request, the  
18 name, address and telephone number of any furnisher  
19 of information contacted or which contacted the  
20 consumer credit reporting agency in connection with  
21 the reinsertion of the information; and

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

25 (vi) A consumer credit reporting agency shall  
26 maintain reasonable procedures designed to prevent the  
27 reappearance in a consumer's file, and in any consumer  
28 report on the consumer, of information which has been  
29 deleted pursuant to this subsection, other than  
30 information which is reinserted in accordance with this

1 subsection.

2 (vii) Any consumer credit reporting agency which  
3 compiles and maintains files on consumers of this  
4 Commonwealth on a Statewide basis shall implement an  
5 automated system through which furnishers of information  
6 to that consumer credit reporting agency may report the  
7 results of a reinvestigation which finds incomplete or  
8 inaccurate information in a consumer's file to other such  
9 consumer credit reporting agencies.

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

17 (A) a statement that the reinvestigation is  
18 completed;

19 (B) a consumer report which is based upon the  
20 consumer's file as that file is revised as a result  
21 of the reinvestigation;

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

25 (D) a notice that, if requested by the consumer,  
26 a description of the procedure used to determine the  
27 accuracy and completeness of the information shall be  
28 provided to the consumer by the agency, including the  
29 business name and address of any furnisher of  
30 information contacted in connection with such

1 information and the telephone number of such  
2 furnisher, if reasonably available;

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

6 (F) a notice that the consumer has the right to  
7 request that the consumer credit reporting agency  
8 furnish notification in accordance with subsection  
9 (d).

10 (5) A consumer credit reporting agency shall provide to  
11 a consumer a description of the procedure used to determine  
12 the accuracy and completeness of information in a consumer's  
13 file by not later than 15 days after receiving a request from  
14 the consumer for such description.

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

22 (i) provides prompt notice of the deletion to the  
23 consumer by telephone;

24 (ii) includes in that notice, or in a written notice  
25 which accompanies a confirmation and consumer report  
26 provided in accordance with subparagraph (iii), a  
27 statement of the consumer's right to request that the  
28 agency furnish notification in accordance with subsection  
29 (d); and

30 (iii) provides written confirmation of the deletion



1 and a copy of a consumer report on the consumer which is  
2 based on the consumer's file after the deletion. The  
3 written confirmation shall be provided not later than  
4 five business days after the information is deleted from  
5 the consumer's file.

6 (b) Statement of dispute.--If the reinvestigation does not  
7 resolve the dispute, the consumer may file a brief statement  
8 setting forth the nature of the dispute. The consumer credit  
9 reporting agency may limit the statement to not more than 100  
10 words if it provides the consumer with assistance in writing  
11 such statement.

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

20 (d) Notification of the deletion of disputed information.--  
21 Following any deletion of information from a consumer's file  
22 pursuant to this section or following the filing of a statement  
23 of dispute pursuant to subsection (b), the consumer credit  
24 reporting agency shall, at the request of the consumer, furnish  
25 notification that the item of information has been deleted or  
26 that the item of information is disputed. In the case of  
27 disputed information, the notification shall include the  
28 statement or summary of the dispute filed pursuant to subsection  
29 (b). The notification shall be furnished to any person,  
30 specifically designated by the consumer, who has, within two

1 years prior to the deletion or the filing of the dispute,  
2 received a consumer report concerning the consumer for  
3 employment purposes, or who has, within six months of the  
4 deletion or filing of the dispute, received a consumer report  
5 concerning the consumer for any other purpose.

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

7 (1) Whenever a consumer submits to a consumer credit  
8 reporting agency a valid police report filed by the consumer  
9 pursuant to section 506(c), the consumer credit reporting  
10 agency shall promptly and permanently block reporting any  
11 information that the consumer alleges appears on his credit  
12 report as a result of a violation of section 506(c) so that  
13 the information cannot be reported. The consumer credit  
14 reporting agency shall promptly notify the furnishers of the  
15 information that the information has been blocked. Furnishers  
16 of information and consumer credit reporting agencies shall  
17 ensure that information is unblocked only upon a  
18 preponderance of the evidence establishing the facts required  
19 under paragraph (2)(i), (ii) or (iii).

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

22 (i) the information was blocked due to fraud;

23 (ii) the consumer agrees that the blocked  
24 information or portion of the blocked information was  
25 blocked in error; or

26 (iii) the consumer knowingly obtained possession of  
27 goods, services or moneys as a result of the blocked  
28 transaction or transactions or the consumer should have  
29 known that he obtained possession of goods, services or  
30 moneys as a result of the blocked transaction or

1 transactions.

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

6 (4) The prior presence of the blocked information in the  
7 consumer credit reporting agency's file on the consumer shall  
8 not be evidence of whether the consumer knew or should have  
9 known that he obtained possession of any goods, services or  
10 moneys.

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

13 (6) In unblocking information pursuant to this  
14 subsection, furnishers of information in a consumer report  
15 and in consumer credit reporting agencies shall be subject to  
16 their respective requirements pursuant to this act regarding  
17 the completeness and accuracy of information.

18 Section 210. Charges for disclosures.

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

22 (1) For making a disclosure to the consumer pursuant to  
23 section 207, the consumer credit reporting agency may charge  
24 a fee which shall not exceed \$8.

25 (2) For furnishing a notification, statement or summary  
26 to any person pursuant to section 209(d), the consumer credit  
27 reporting agency may charge a fee not exceeding the charge  
28 which it would impose on each designated recipient for a  
29 consumer report. The amount of the charge shall be indicated  
30 to the consumer before furnishing the notification, statement

or summary.

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

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

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

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

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

(d) Other charges prohibited.--A consumer credit reporting agency shall not impose any charge on a consumer for providing any notification required under this act or for making any disclosure required under this act, except as authorized by subsection (a).

Section 211. Public record information for employment purposes.

(a) Source of information.--Each consumer credit reporting agency which compiles and reports items of information

1 concerning consumers which are matters of public record shall  
2 specify in any report containing public record information the  
3 source from which that information was obtained, including the  
4 particular court, if there be one, and the date that the  
5 information was initially reported or publicized.

6 (b) Reports for employment purposes.--A consumer credit  
7 reporting agency which furnishes a consumer report for  
8 employment purposes and which for those purposes compiles and  
9 reports items of information on consumers which are matters of  
10 public record and are likely to have an adverse effect upon a  
11 consumer's ability to obtain employment shall:

12 (1) at the time the public record information is  
13 reported to the user of the consumer report, notify the  
14 consumer of the fact that public record information is being  
15 reported by the consumer credit reporting agency, together  
16 with the name and address of the person to whom such  
17 information is being reported; or

18 (2) maintain strict procedures designed to ensure that  
19 whenever public record information which is likely to have an  
20 adverse effect on a consumer's ability to obtain employment  
21 is reported it is complete and up-to-date. For the purpose of  
22 this paragraph, items of public record relating to arrests,  
23 indictments, convictions, suits, tax liens and outstanding  
24 judgments shall be considered up-to-date if the current  
25 public record status of the item at the time of the report is  
26 included.

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

1 Section 212. Restrictions on investigative consumer reports.

2 Whenever a consumer credit reporting agency prepares an  
3 investigative consumer report, no adverse information in the  
4 consumer report, other than information which is a matter of  
5 public record, may be included in a subsequent consumer report  
6 unless such adverse information has been verified in the process  
7 of making such subsequent consumer report or the adverse  
8 information was received within the three-month period preceding  
9 the date the subsequent report is furnished.

10 CHAPTER 3

11 REQUIREMENTS ON USERS OF CONSUMER REPORTS

12 Section 301. Adverse actions based on consumer report.

13 (a) Duties of users taking adverse actions based on  
14 information in consumer reports.--If any person takes any  
15 adverse action with respect to any consumer which is based in  
16 whole or in part on any information contained in a consumer  
17 report, the person shall:

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

20 (2) Provide to the consumer orally, in writing or  
21 electronically the following:

22 (i) the name, address and telephone number of the  
23 consumer credit reporting agency which furnished the  
24 report to the person, including a toll-free telephone  
25 number established by such agency if the agency compiles  
26 and maintains files on consumers on a Statewide basis;  
27 and

28 (ii) a statement that the consumer credit reporting  
29 agency did not make the decision to take the adverse  
30 action and is unable to provide the consumer the specific

1 reasons why the adverse action was taken.

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

4 (i) to obtain under section 210 a free copy of a  
5 consumer report on the consumer from the consumer credit  
6 reporting agency referred to in paragraph (2), which  
7 notice shall include an indication of the 60-day period  
8 under that section for obtaining such a copy; and

9 (ii) to dispute pursuant to section 209 with a  
10 consumer credit reporting agency the accuracy or  
11 completeness of any information in a consumer report  
12 furnished by such agency.

13 (b) Adverse action based on information obtained from third  
14 parties other than consumer credit reporting agencies.--Whenever  
15 credit for personal, family or household purposes involving a  
16 consumer is denied or the charge for such credit is increased  
17 either wholly or partly because of information obtained from a  
18 person other than a consumer credit reporting agency bearing  
19 upon the consumer's credit worthiness, credit standing, credit  
20 capacity, character, general reputation, personal  
21 characteristics or mode of living, the users of the information  
22 shall, within a reasonable period of time and upon the  
23 consumer's written request for the reasons for that adverse  
24 action received within 60 days after learning of the adverse  
25 action, disclose the nature and substance of the information to  
26 the consumer. The user of the information shall clearly and  
27 accurately disclose to the consumer his or her right to make  
28 such a written request at the time the adverse action is  
29 communicated to the consumer.

30 (c) Duties of person taking certain actions based on

1 information provided by affiliate.--

2 (1) If a person takes an adverse action with respect to  
3 a consumer, the person shall notify the consumer when the  
4 action is based, in whole or in part, on the information  
5 described in subsection (d). Such notification shall contain  
6 a statement that the consumer may obtain the information upon  
7 written request received within 60 days after transmittal of  
8 the notice to the consumer. Upon receipt of such written  
9 request, the person shall disclose to the consumer the nature  
10 of the information upon which the action is based not later  
11 than 30 days after receipt of the request.

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

14 (i) in the case of an action taken in connection  
15 with a transaction initiated by the consumer, it results  
16 in a denial or revocation of credit, a change in the  
17 terms of an existing credit arrangement or a refusal to  
18 grant credit in substantially the amount or on  
19 substantially the terms requested;

20 (ii) in the case of an action taken in connection  
21 with the underwriting of insurance, it results in any  
22 denial or cancellation of, increase in the charge for or  
23 reduction or other adverse or unfavorable change in the  
24 terms of coverage or amount of any insurance, existing or  
25 applied for, for personal or family or household  
26 purposes; or

27 (iii) in the case of an action taken in connection  
28 with employment or prospective employment, it results in  
29 a denial of employment or any other decision for  
30 employment purposes which adversely affects any current



1 or prospective employee.

2 (d) Information described.--

3 (1) Information referred to in subsection (c)(2) is  
4 information which:

5 (i) is furnished to the person taking the action by  
6 a person related by common ownership or affiliated by  
7 common corporate control to the person taking the action;  
8 and

9 (ii) bears on the credit worthiness, credit  
10 standing, credit capacity, character, general reputation,  
11 personal characteristics or mode of living of the  
12 consumer.

13 (2) Information referred to in subsection (c)(2) shall  
14 not include:

15 (i) information solely as to transactions or  
16 experiences between the consumer and the person  
17 furnishing the information; or

18 (ii) information in a consumer report.

19 Section 302. Credit transactions not initiated by consumer.

20 (a) Duties of users making written credit or insurance  
21 solicitations on the basis of information contained in consumer  
22 file.--

23 (1) Any person who uses a consumer report on any  
24 consumer in connection with any credit or insurance  
25 transaction which is not initiated by the consumer and which  
26 is provided to that person under section 201(c)(1)(ii) shall  
27 provide with each written solicitation made to the consumer  
28 regarding the transaction a clear and conspicuous statement  
29 which specifies that:

30 (i) information contained in the consumer's consumer

1 report was used in connection with the transaction;

2 (ii) the consumer received the offer of credit or  
3 insurance because the consumer satisfied the criteria for  
4 credit worthiness or insurability under which the  
5 consumer was selected for the offer;

6 (iii) if applicable, the credit or insurance may not  
7 be extended if, after the consumer responds to the offer,  
8 the consumer does not meet the criteria used to select  
9 the consumer for the offer or any applicable criteria  
10 bearing on credit worthiness or insurability or does not  
11 furnish any required collateral;

12 (iv) the consumer has a right to prohibit  
13 information contained in the consumer's file with any  
14 consumer credit reporting agency from being used in  
15 connection with any credit or insurance transaction which  
16 is not initiated by the consumer; and

17 (v) the consumer may exercise the right referred to  
18 in subparagraph (iv) by notifying a notification system  
19 established by a consumer credit reporting agency  
20 pursuant to section 201(f).

21 (2) A statement under paragraph (1) shall include the  
22 address and toll-free telephone number of the appropriate  
23 notification system established by a consumer credit  
24 reporting agency under section 201(f).

25 (3) A person who makes an offer of credit or insurance  
26 to a consumer under a credit or insurance transaction  
27 described in paragraph (1) shall maintain on file the  
28 criteria used to select the consumer to receive the offer;  
29 all criteria bearing on credit worthiness or insurability, as  
30 applicable, which are the basis for determining whether or

1 not to extend credit or insurance pursuant to the offer; and  
2 any requirement for the furnishing of collateral as a  
3 condition of the extension of credit or insurance, until the  
4 expiration of the three-year period beginning on the date on  
5 which the offer is made to the consumer.

6 Section 303. Procedures to assure compliance.

7 No person shall be held liable for any violation of this  
8 section if such person shows by a preponderance of the evidence  
9 that at the time of the alleged violation the person maintained  
10 and followed reasonable procedures to assure compliance with the  
11 provisions of this chapter.

12 Section 304. Unfair or deceptive acts or practices.

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

22 CHAPTER 4

23 OBLIGATIONS OF FURNISHERS OF CREDIT INFORMATION

24 Section 401. Duty to provide accurate information.

25 (a) Reporting of information with actual knowledge of  
26 errors; prohibitions.--

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

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

3           (i) the person has been notified by the consumer at  
4 the address specified by the person for such notices that  
5 specific information is inaccurate; and

6           (ii) the information is in fact inaccurate.

7           (3) A person who clearly and conspicuously specifies to  
8 the consumer an address for notices referred to in subsection  
9 (b) shall not be subject to subsection (a) except that  
10 nothing in subsection (b) shall require a person to specify  
11 such address.

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

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

25       (c) Duty to provide notice of dispute.--If the completeness  
26 or accuracy of any information furnished by any person to any  
27 consumer credit reporting agency is disputed to such person by a  
28 consumer, the person may not furnish the information to any  
29 consumer credit reporting agency without notice that such  
30 information is disputed by the consumer.

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

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

16 Section 402. Duties of furnishers of information upon notice of  
17 dispute.

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

22 (1) conduct an investigation with respect to the  
23 disputed information;

24 (2) review all relevant information provided by the  
25 consumer credit reporting agency pursuant to section  
26 209(a)(2);

27 (3) report the results of the investigation to the  
28 consumer credit reporting agency; and

29 (4) if the investigation finds that the information is  
30 incomplete or inaccurate, report those results to all

1 consumer credit reporting agencies to which the person  
2 furnished the information and which compile and maintain  
3 files on consumers of this Commonwealth on a Statewide basis.

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

11 (c) Limitation on liability.--

12 (1) Sections 501 and 502 shall not apply to any failure  
13 to comply with section 401 except that this limitation on  
14 liability shall not apply to any action brought by the  
15 Attorney General on behalf of the residents of this  
16 Commonwealth to recover:

17 (i) damages for which the person is liable to such  
18 residents under sections 501 and 502 as a result of such  
19 violations;

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

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

25 (2) The Attorney General shall have no authority to  
26 recover damages under this section unless the person has been  
27 enjoined from committing a violation in an action brought by  
28 the Attorney General and the person has violated the  
29 injunction. In an action against a person to recover damages  
30 pursuant to paragraph (1) for a violation of section 401(a),

1 the Attorney General may not recover any damages incurred  
2 before the date of the violation of an injunction on which  
3 the action is based.

## 4 CHAPTER 5

### 5 REMEDIES AND ENFORCEMENT

6 Section 501. Civil liability for willful noncompliance.

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

11 (1) any actual damages sustained by the consumer as a  
12 result of the failure or damages of not less than \$100 and  
13 not more than \$1,000, whichever is greater; or

14 (2) in the case of liability of a natural person for  
15 obtaining a consumer report under false pretenses or  
16 knowingly without a permissible purpose, actual damages  
17 sustained by the consumer as a result of the failure or  
18 \$1,000, whichever is greater; and

19 (3) such amount of punitive damages as the court may  
20 allow; and

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

25 (b) Civil liability for knowing noncompliance.--Any person  
26 who obtains a consumer report from a consumer credit reporting  
27 agency under false pretenses or knowingly without a permissible  
28 purpose shall be liable to the consumer credit reporting agency  
29 for actual damages sustained by the consumer credit reporting  
30 agency or \$1,000, whichever is greater.

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

8 Section 502. Civil liability for negligent noncompliance.

9 (a) In general.--Any person who is negligent in failing to  
10 comply with any requirement imposed under this chapter with  
11 respect to any consumer shall be liable to that consumer in an  
12 amount equal to the sum of:

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

15 (2) in the case of any successful action to enforce any  
16 liability under this section, the costs of the action  
17 together with reasonable attorney fees as determined by the  
18 court.

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

25 Section 503. Restrictions on other actions.

26 Except as provided in sections 501 and 502, a consumer may  
27 not bring any action or proceeding in the nature of defamation,  
28 invasion of privacy or gross negligence with respect to the  
29 reporting of information against any consumer credit reporting  
30 agency based on information disclosed in accordance with the



1 requirements of this act, except as to false information  
2 furnished with malice or willful intent to injure the consumer.  
3 Section 504. Jurisdiction of courts; limitation on actions.

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

14 Section 505. Actions under Federal act.

15 The entry of a final judgment against a consumer credit  
16 reporting agency or user of information in an action brought  
17 pursuant to 15 U.S.C. §§ 1681n (relating to civil liability for  
18 willful noncompliance) or 1681o (relating to civil liability for  
19 negligent noncompliance) shall be a bar to the maintenance of  
20 any action based on the same act or omission which might be  
21 brought under this act.

22 Section 506. Criminal penalties.

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

30 (b) Unauthorized disclosures by officers or employees.--Any

1 officer or employee of a consumer credit reporting agency who  
2 knowingly or willfully provides information concerning an  
3 individual from the agency files to a person not authorized to  
4 receive that information commits a misdemeanor of the second  
5 degree for a first offense. Any officer or employee of a  
6 consumer credit reporting agency who violates this subsection  
7 for a second or subsequent offense commits a misdemeanor of the  
8 first degree.

9 (c) Unauthorized possession of personal identifying  
10 information.--A person commits a misdemeanor of the third degree  
11 if he obtains or possesses personal identifying information, as  
12 defined in subsection (e), of another person without the  
13 authorization of that other person. Any person who violates this  
14 subsection for a second or subsequent offense commits a  
15 misdemeanor of the second degree.

16 (d) Unauthorized used of personal identifying information.--

17 (1) A person commits an offense if he uses personal  
18 identifying information, as defined in subsection (e), of  
19 another person and uses that information to obtain or attempt  
20 to obtain credit, goods or services in the name of the other  
21 person without the consent of that other person. An offense  
22 under this subsection shall fall within the following  
23 classifications depending on the value of the credit, goods  
24 or services secured or sought to be secured by means of the  
25 personal identifying information:

26 (i) if the value involved exceeds \$500, the  
27 violation constitutes a misdemeanor of the first degree;

28 (ii) if the value involved is \$50 or more but less  
29 than \$500, the offense constitutes a misdemeanor of the  
30 second degree;

1 (iii) if the value involved is less than \$50, the  
2 offense constitutes a misdemeanor of the third degree;

3 (iv) if the value involved cannot be satisfactorily  
4 ascertained, the offense constitutes a misdemeanor of the  
5 third degree; or

6 (v) if the offense is a second or subsequent  
7 offense, a felony of the third degree regardless of the  
8 value involved.

9 (2) The value involved in the unauthorized use of  
10 personal identifying information pursuant to one scheme or  
11 course of conduct, whether from the same person or several  
12 persons, may be aggregated in determining the classification  
13 of the offense.

14 (3) When a person commits an offense under this  
15 subsection and the victim is 60 years of age or older, the  
16 classification of the offense shall be one grade higher than  
17 specified in paragraph (1).

18 (e) Definition.--For the purposes of subsection (c),  
19 "personal identifying information" shall mean the name, address,  
20 telephone number, driver's license number, Social Security  
21 number, place of employment, employee identification number,  
22 mother's maiden name, checking account number, savings account  
23 number or debit card number, money access card number or credit  
24 card number of an individual person.

25 Section 507. Powers and duties of Attorney General.

26 (a) Enforcement.--The Attorney General shall be charged with  
27 the enforcement of this act and shall promulgate rules and  
28 regulations for its proper enforcement. The rules and  
29 regulations shall conform and shall be construed to conform with  
30 the purposes expressed in section 601.

1 (b) Adoption of Federal regulations.--All regulations and  
2 supplements to Federal regulations or revisions to them adopted  
3 under the Federal act which relate to consumer credit reporting  
4 agencies on, before or after the effective date of this act are  
5 hereby adopted as regulations in this Commonwealth and shall  
6 remain in effect unless subsequently modified by the Attorney  
7 General by regulation. The regulations shall be published in the  
8 Pennsylvania Bulletin.

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

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

## 28 CHAPTER 6

### 29 MISCELLANEOUS PROVISIONS

30 Section 601. Construction of act.

1       The provisions of this act and the regulations promulgated  
2 under this act shall be construed in a manner which is  
3 consistent with the Federal act and regulations promulgated  
4 under that act. The Attorney General shall not ordain or enforce  
5 requirements relating to consumer credit reporting of any kind  
6 or description other than those provided for under the Federal  
7 act, unless the requirements give greater protection to  
8 consumers than are provided under the Federal act.

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 July 1, 1998.