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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1442 Session of  
1991

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INTRODUCED BY GREENLEAF, ROBBINS, HOPPER, ANDREZESKI AND  
REIBMAN, NOVEMBER 22, 1991

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REFERRED TO BANKING AND INSURANCE, NOVEMBER 22, 1991

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AN ACT

1 Relating to credit information reporting; providing for report  
2 preparation, dissemination and use, disclosure requirements,  
3 dispute resolution and public record information; and  
4 imposing civil and criminal penalties.

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10 The General Assembly of the Commonwealth of Pennsylvania  
11 hereby enacts as follows:

12 Section 1. Short title.

13 This act shall be known and may be cited as the Fair Credit  
14 Reporting Act.

15 Section 2. Definitions.

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

19 "Adverse information." Information that is likely to have a  
20 negative effect upon the ability or eligibility of a consumer to  
21 obtain credit, insurance, employment or other benefits, goods or  
22 services or information that is either wholly or partially  
23 responsible for increases in charges for credit or insurance.

24 "Consumer." An individual.

25 "Consumer report."

26 (1) Any written, oral or other communication of any  
27 information by a consumer reporting agency bearing on a  
28 consumer's creditworthiness, credit standing, credit  
29 capacity, character, general reputation, personal  
30 characteristics or mode of living which is used or expected

1 to be used or collected in whole or in part for the purpose  
2 of serving as a factor in establishing the consumer's  
3 eligibility for any of the following:

4 (i) Credit or insurance to be used primarily for  
5 personal, family or household purposes.

6 (ii) Employment purposes.

7 (iii) Other purposes authorized under section 3.

8 (2) The term does not include any of the following:

9 (i) Any report containing information solely as to  
10 transactions or experiences between the consumer and the  
11 person making the report.

12 (ii) Any authorization or approval of a specific  
13 extension of credit directly or indirectly by the issuer  
14 of a credit card or similar device.

15 (iii) Any report in which a person who has been  
16 requested by a third party to make a specific extension  
17 of credit directly or indirectly to a consumer conveys  
18 his decision with respect to the request, if the third  
19 party advises the consumer of the name and address of the  
20 person to whom the request was made and the person makes  
21 the disclosures to the consumer required under section  
22 11.

23 "Consumer reporting agency." Any person who, for monetary  
24 fees, dues or on a cooperative nonprofit basis, regularly  
25 engages in whole or in part in the practice of assembling or  
26 evaluating consumer credit information or other information on  
27 consumers for the purpose of furnishing consumer reports or  
28 investigative consumer reports to third parties.

29 "Employment purposes." When used in connection with a  
30 consumer report, a report used for the purpose of evaluating a

1 consumer for employment, promotion, reassignment or retention as  
2 an employee.

3 "File." When used in connection with information on any  
4 consumer, all of the information about that consumer recorded  
5 and retained by a consumer reporting agency regardless of how  
6 the information is stored. The term includes any information  
7 given to a user by the consumer reporting agency.

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

19 "Medical information." Information or records obtained, with  
20 the consent of the individual to whom it relates, from licensed  
21 physicians or medical practitioners, hospitals, clinics or other  
22 medical or medically related facilities.

23 "Person." Any individual, partnership, corporation, trust,  
24 estate, cooperative, association, government or governmental  
25 subdivision, agency or other entity.

26 "User." When used in connection with the use of a consumer  
27 report, any person receiving or requesting a consumer report or  
28 an investigative consumer report other than the subject thereof.

29 Section 3. Permissible dissemination of reports.

30 (a) General rule.--A consumer reporting agency may furnish a

1 consumer report under any one of the following circumstances and  
2 no other:

3 (1) In response to the order of a court having  
4 jurisdiction to issue an order.

5 (2) In accordance with the written instructions of the  
6 consumer to whom it relates.

7 (3) To a person whom it has reason to believe intends to  
8 use the information for any of the following purposes:

9 (i) In connection with a credit transaction  
10 involving the consumer on whom the information is to be  
11 furnished and involving the extension of credit to, or  
12 review or collection of an account of, the consumer.

13 (ii) For employment purposes.

14 (iii) In connection with the underwriting of  
15 insurance involving the consumer.

16 (iv) In connection with a determination of the  
17 consumer's eligibility for a license or other benefit  
18 granted by a governmental instrumentality required by law  
19 to consider an applicant's financial responsibility or  
20 status.

21 (v) To a person in connection with a business  
22 transaction involving the consumer where the user has a  
23 legitimate business need for the information.

24 (vi) In connection with the rental or lease of a  
25 residence.

26 (b) Notice requirement.--A person may not request a consumer  
27 report, other than an investigative consumer report, in  
28 connection with an application made after the effective date of  
29 this act, for credit, employment, insurance or rental or lease  
30 of residences, unless the applicant is first informed in writing

1 or in the same manner in which the application is made that:

2 (1) a consumer report may be requested in connection  
3 with the application; and

4 (2) the applicant, upon request, will be informed  
5 whether or not a consumer report was requested and, if the  
6 report was requested, informed of the name and address of the  
7 consumer reporting agency that furnished the report.

8 (c) Subsequent reports.--Where the notice provided under  
9 subsection (b) further indicates that subsequent consumer  
10 reports, other than investigative consumer reports, may be  
11 requested or utilized in connection with an update, renewal or  
12 extension of the credit, employment, insurance or rental or  
13 lease of residences for which application was made, no  
14 additional notice to the consumer is required at the time the  
15 subsequent report is requested.

16 (d) Copy of report.--A consumer reporting agency shall  
17 furnish a copy of a consumer report, furnished to a user under  
18 this section, to the consumer who is the subject of that report.

19 (e) Exception.--The notice requirements of this section  
20 shall not apply to the update, renewal or extension of credit,  
21 employment, insurance or rental or lease of residences for which  
22 initial application was made prior to the effective date of this  
23 act.

24 Section 4. Preparation and procurement of investigative  
25 consumer reports.

26 (a) General rule.--No person may procure or cause to be  
27 prepared an investigative consumer report on any consumer unless  
28 the person:

29 (1) Has first provided the consumer with notice of the  
30 procurement or preparation as described in subsection (b).

1           (2) Has first received from the consumer an  
2       authorization for preparation or procurement of the  
3       investigative consumer report as described in subsection (c).

4       (b) Notice requirement.--The notice required by this section  
5       shall be in writing if a written application is made by the  
6       consumer or may be in writing or oral in all other  
7       circumstances. The notice shall inform the consumer that:

8           (1) An investigative consumer report may be requested on  
9       the consumer.

10          (2) The consumer, upon written request, will be informed  
11       whether or not an investigative consumer report was requested  
12       and, if the report was requested, the name and address of the  
13       consumer reporting agency to whom the request was made. Upon  
14       furnishing to the consumer that name and address of the  
15       consumer reporting agency to whom the request was made, the  
16       consumer shall also be informed that he may inspect and  
17       receive a copy of the report by contacting the agency.

18       (c) Authorization.--The authorization required by this  
19       section shall be given in writing or in the same manner as the  
20       notice under this section is required to be given.

21       (d) Refusal of authorization.--If a person applying for  
22       credit, insurance or employment refuses to authorize the  
23       procurement or preparation of an investigative consumer report,  
24       the prospective creditor, insurer or employer may decline to  
25       grant credit, insurance or employment on the grounds that the  
26       applicant refused to execute the authorization.

27       (e) Children and minors.--Where a parent applies for  
28       insurance on behalf of or to cover his child, or an adult  
29       applies for insurance on behalf of or to cover a minor, the  
30       execution of an authorization and receipt of notice under this

1 section by the parent or adult shall also be deemed to be  
2 receipt of notice and execution of an authorization by the child  
3 or minor.

4 (f) Exception.--The notice and authorization requirements of  
5 this section shall not apply to investigative consumer reports  
6 procured or prepared in connection with the renewal of a  
7 casualty insurance policy where the initial application for the  
8 policy preceded the effective date of this act.

9 Section 5. Prescreening consumer reports.

10 (a) Requirements.--Any consumer reporting agency which  
11 agrees to prescreen credit reports shall do so only after  
12 complying or insuring compliance with the following:

13 (1) Credit must be extended to each person who is  
14 identified by the consumer reporting agency as meeting the  
15 credit review standards as set forth by the user.

16 (2) A consumer must be given clear disclosure of his  
17 right to opt out of prescreening services.

18 (b) Use of consumer credit data.--No consumer reporting  
19 agency may use any consumer credit data to create mailing lists  
20 to be used in any form of solicitation which is not  
21 prescreening, such as direct marketing mail lists.

22 (c) Definition.--As used in this section, the term  
23 "prescreen" means the reviewing of reports for certain  
24 characteristics for marketing purposes and providing banks and  
25 other credit grantors with a list of eligible clients.

26 Section 6. Disclosure to consumers.

27 (a) Disclosure requirements.--Every consumer reporting  
28 agency shall, upon request and proper identification of any  
29 consumer, clearly and accurately disclose to the consumer all of  
30 the following:

1           (1) All information in its files at the time of the  
2 request concerning the consumer.

3           (2) The sources of the information, except that the  
4 sources of information acquired solely for use in preparing  
5 an investigative consumer report and actually used for no  
6 other purpose need not be disclosed, although in the event an  
7 action is brought under section 16, the sources shall be  
8 available to the plaintiff under appropriate discovery  
9 procedures in the court in which the action is brought.

10          (3) The recipients of any consumer report on the  
11 consumer which the agency has furnished for:

12           (i) Employment purposes within the two-year period  
13 preceding the request.

14           (ii) Any other purpose within the six-month period  
15 preceding the request.

16          (b) Exception.--The requirements of subsection (a) regarding  
17 the disclosure of sources of information and the recipients of  
18 consumer reports shall not apply to information received or  
19 consumer reports furnished prior to the effective date of this  
20 act except to the extent that the matter involved is contained  
21 in the files of the consumer reporting agency on that date.

22          (c) Agency obligations.--Notwithstanding any other provision  
23 of this act, every consumer reporting agency, upon contact by a  
24 consumer by phone, mail or in person regarding information which  
25 may be contained in the agency's files which has been or may be  
26 used for the purpose of providing a consumer report regarding  
27 that consumer, shall promptly advise the consumer of the  
28 obligation of the agency to provide disclosure of the files in  
29 person, by mail or by telephone under this section, including  
30 the obligation of the agency to provide a decoded written

1 version of the file or a written copy of the file with an  
2 explanation of any code used, if the consumer so requests. The  
3 disclosure shall be provided in the manner selected by the  
4 consumer. All consumers shall be specifically advised that if  
5 they have been denied credit in the past 30 days they are  
6 entitled to receive a written copy of their complete file, at no  
7 charge whatsoever, should they choose to request such a copy. In  
8 addition, a consumer is entitled to receive a written copy of  
9 his file on an annual basis and at no charge whatsoever, should  
10 he choose to request such a copy.

11 Section 7. Methods and conditions of disclosure to consumers.

12 (a) Time and notice.--A consumer reporting agency shall make  
13 the disclosures required under section 6 during normal business  
14 hours and on reasonable notice.

15 (b) Disclosure methods.--The disclosure required under  
16 section 6 shall be made to the consumer by one or more of the  
17 following methods:

18 (1) If the consumer appears in person and furnishes  
19 proper identification, the consumer shall be permitted a  
20 personal visual inspection of his file within 30 minutes of  
21 his arrival and, if he so requests, shall be furnished a copy  
22 of his entire file or any part thereof.

23 (2) By telephone, within two days of a consumer request,  
24 if the consumer has made a written request, with proper  
25 identification, for telephone disclosure and the toll charge,  
26 if any, for the telephone call is prepaid by or charged  
27 directly to the consumer. At the time of the disclosure by  
28 telephone, the consumer shall be advised of the right to  
29 receive a complete written disclosure of the information  
30 pertaining to him.

1           (3) By mailing, within two days of a consumer request, a  
2       copy or transcription of all information in the consumer's  
3       file to him, if the consumer has made a written request with  
4       proper identification.

5       (c) Trained personnel.--Every consumer reporting agency  
6       shall provide trained personnel to explain to the consumer any  
7       information furnished to him either by personal interview or  
8       telephone communication, and information furnished by mail must  
9       be accompanied by an explanation of the information if provided  
10      in code or trade terminology.

11      (d) Personal interviews.--The consumer who seeks disclosure  
12      by means of a personal interview under subsection (b)(1) shall  
13      be permitted to be accompanied by one other person of his  
14      choosing, who shall furnish reasonable identification. A  
15      consumer reporting agency may require the consumer to furnish a  
16      written statement granting permission to the consumer reporting  
17      agency to discuss the consumer's file in the other person's  
18      presence.

19      (e) Disclosure without charge.--

20           (1) A consumer reporting agency shall make all  
21      disclosures authorized under section 6 without charge to any  
22      person who receives a notification of adverse action under  
23      section 11 or receives notification from a debt collection  
24      agency affiliated with the consumer reporting agency stating  
25      the consumer's credit rating may be or has been adversely  
26      affected if, within 30 days of receipt of the notification,  
27      the consumer makes a request for the disclosure. A written  
28      statement by a consumer indicating that he has been denied  
29      credit in the past 30 days, or has been contacted by a debt  
30      collection agency as described in this paragraph, is

1 sufficient to require the disclosure without charge.

2 (2) In all other cases where the disclosure is  
3 requested, the consumer reporting agency may impose a  
4 reasonable charge for the disclosure, if the charges are  
5 indicated to the consumer prior to making disclosure.

6 (3) Notwithstanding any provision of paragraph (2), the  
7 charge imposed for the furnishing of information shall not  
8 exceed the charge the consumer reporting agency would impose  
9 for providing the information to its regular customers.

10 (4) No charge may be made for notifying any person of  
11 the deletion of information which is found to be in error or  
12 which can no longer be verified.

13 (f) Decoded version of file.--In addition to the disclosure  
14 provided by this section and any disclosures received by the  
15 consumer, the consumer shall be advised of the right to request  
16 and receive a decoded written version of the file or a written  
17 copy of the file, with an explanation of any code used, without  
18 charge as subject to subsection (e).

19 (g) Consumer-provided information.--The consumer reporting  
20 agency shall include in its file credit information from  
21 creditors provided by the consumer. The consumer reporting  
22 agency may impose a reasonable charge for the disclosure of this  
23 information if the charges are indicated prior to including the  
24 information in the report.

## 25 Section 8. Procedure for resolving disputes.

26 (a) Reinvestigation required.--If a consumer disputes any  
27 item of information contained in his file, and the dispute is  
28 directly conveyed to the consumer reporting agency by the  
29 consumer, the consumer reporting agency shall promptly  
30 reinvestigate and record the current status of the information,

1 unless it has reasonable grounds to believe that the dispute by  
2 the consumer is frivolous, and it shall promptly notify the  
3 consumer of the result of its investigation, its decision on the  
4 status of the information and the consumer's rights under this  
5 section. The presence of contradictory information in a  
6 consumer's file shall not, in and of itself, constitute  
7 reasonable grounds for believing the dispute is frivolous.

8 (b) Error in file.--If, after conducting the reinvestigation  
9 required by subsection (a), the consumer reporting agency finds  
10 that an item is in error or that it can no longer be verified,  
11 it shall:

12 (1) Promptly expunge the item and otherwise correct the  
13 file and promptly notify any person who has received  
14 information during the previous three months that an error  
15 existed, and furnish that person with the corrected  
16 information.

17 (2) Refrain from reporting the item in subsequent  
18 consumer reports.

19 (3) Clearly and conspicuously disclose to the consumer  
20 his rights to make a request for notification and, upon  
21 request of the consumer, promptly notify any person  
22 designated by the consumer who has received information  
23 regarding the item during the previous year and who has not  
24 been notified under paragraph (1) that an error existed, and  
25 shall furnish that person with the corrected information.

26 (4) Where applicable, forward a copy of the consumer's  
27 statement in accordance with subsection (c).

28 (c) Unresolved differences.--If, after conducting a  
29 reinvestigation under this section, the consumer reporting  
30 agency is unable to resolve any remaining differences between

1 the statements made by its sources and the consumer, it shall:

2 (1) Promptly indicate in the file that the item is  
3 disputed.

4 (2) Permit the consumer to file a statement concerning  
5 the nature of the dispute, which statement may be limited by  
6 the agency to not more than 100 words if the agency provides  
7 the consumer with assistance in writing a clear summary of  
8 the dispute.

9 (3) Include the consumer's full statement of the dispute  
10 in all subsequent credit reports containing the information  
11 in question.

12 (4) Clearly note in all subsequent consumer reports that  
13 the item is disputed by the consumer.

14 (d) Dispute resolution.--The consumer reporting agency may  
15 establish an independent dispute resolution process. This  
16 process would be for purposes of inclusion in the file only and  
17 would not have any impact on actual liability for the debt.

18 (e) Consumer copy of file.--Notwithstanding any other  
19 provision of this section, if any item disputed and  
20 reinvestigated is found to be in error or can no longer be  
21 verified, upon completion of the reinvestigation of all items  
22 disputed, the agency shall promptly mail the consumer a  
23 corrected written copy of the file, reflecting any changes, with  
24 an explanation of any code used, at no charge to the consumer.

25 Section 9. Public record information.

26 (a) Agency responsibilities.--A consumer reporting agency  
27 which compiles and reports items of information on consumers  
28 which are matters of public record shall do one of the  
29 following:

30 (1) At the time public record information is reported to

1 the user of the consumer report, notify the consumer of the  
2 fact that public record information is being reported by the  
3 consumer reporting agency, together with the name and address  
4 of the person to whom information is being reported.

5 (2) Maintain reasonable procedures designed to insure  
6 that whenever public record information is reported it is  
7 complete and up-to-date to the extent practicable. It shall  
8 be deemed a reasonable procedure for a consumer reporting  
9 agency to accurately report the status of public record  
10 information as of the date recorded in its files provided the  
11 information is updated on a regular basis.

12 (b) Reinvestigations.--When conducting a reinvestigation as  
13 required by section 8(a), a consumer reporting agency shall  
14 promptly record and report the current status of the public  
15 record.

16 (c) Security of records.--The consumer reporting agency  
17 shall create a security procedure for the accessing of all  
18 information and shall maintain a permanent record of all  
19 requests for information on each consumer's file.

20 Section 10. Restrictions on investigative consumer reports.

21 (a) Adverse information.--Whenever a consumer reporting  
22 agency prepares an investigative consumer report, no adverse  
23 information in the report, other than information which is a  
24 matter of public record, may be included in a subsequent  
25 consumer report unless the adverse information has been verified  
26 in the process of making the subsequent consumer report, except  
27 for adverse information received within the three-month period  
28 preceding the date upon which the subsequent report is  
29 furnished.

30 (b) Written report required.--Each investigative consumer

1 report shall be in writing, and a copy thereof shall be retained  
2 by the consumer reporting agency for at least one year after it  
3 is issued.

4 Section 11. Users of consumer reports.

5 (a) User responsibilities.--Whenever credit or insurance for  
6 personal, family or household purposes is denied, or whenever a  
7 residential rental or lease is denied, or the charge for credit  
8 or insurance, or rental or lease is increased, either wholly or  
9 partly because of information contained in a consumer report,  
10 the user of the report shall:

11 (1) Advise the consumer against whom the adverse action  
12 has been taken of the action.

13 (2) Supply the name and address of the consumer  
14 reporting agency making the report.

15 (3) Inform the consumer of his right to inspect and  
16 receive a copy of the report by contacting the consumer  
17 reporting agency.

18 (b) Additional requirements.--In addition to the  
19 requirements of subsection (a), the user of any report for the  
20 purpose of evaluating an application for credit shall furnish to  
21 the consumer the reasons for any adverse action in relation to  
22 the application in conformance with the requirements of the  
23 Equal Credit Opportunity Act (Public Law 93-495, 15 U.S.C. §  
24 1691 et seq.).

25 (c) Dissemination of reports.--Every user of a consumer  
26 report or an investigative consumer report shall be prohibited  
27 from disseminating the report to any other person unless the  
28 other person has a legitimate business need for the information  
29 in connection with a business transaction involving the  
30 consumer.

1 Section 12. Prohibited information.

2 (a) General rule.--No consumer reporting agency may report  
3 or maintain in the file of a consumer any information:

4 (1) Relative to an arrest or a criminal charge unless  
5 there has been a criminal conviction for the offense, or  
6 unless the charges are still pending.

7 (2) Relative to a consumer's race, religion, color,  
8 ancestry or ethnic origin.

9 (3) Which the consumer reporting agency has reason to  
10 know is inaccurate.

11 (b) Exception.--Notwithstanding the provisions of subsection  
12 (a)(1), a consumer reporting agency may collect, evaluate,  
13 prepare, use or report information relative to a detention of an  
14 individual by a retail mercantile establishment, if all of the  
15 following apply:

16 (1) The individual has executed an uncoerced admission  
17 of wrongdoing.

18 (2) With respect to a detention made on or after the  
19 effective date of this act, the retail mercantile  
20 establishment has, prior to transmitting to a consumer  
21 reporting agency information concerning the detention,  
22 delivered to the individual a written notice containing:

23 (i) A statement that the information may be  
24 furnished to a consumer reporting agency and that the  
25 information may be reported to a retail mercantile  
26 establishment for employment purposes.

27 (ii) A statement that the individual may request  
28 disclosure by the consumer reporting agency of  
29 information in the agency's file on the individual and  
30 that the completeness or accuracy of the information may

1           be disputed by the individual.

2           (iii) The name and address of the consumer reporting  
3           agency.

4           (3) The user of the information certifies to the  
5           consumer reporting agency that the information will be used  
6           only in connection with employment purposes.

7           (c) Record of disposition.--In the event that a criminal  
8           charge is filed subsequent to the detention described in  
9           subsection (b), the disposition of the charge shall be recorded  
10          by the consumer reporting agency in the file of the individual  
11          upon the request of the individual and upon his furnishing proof  
12          of the disposition.

13          (d) Lack of information.--A consumer reporting agency shall  
14          not issue a consumer report which lists a person as having been  
15          denied credit if the sole reason of the denial is lack of  
16          sufficient information to grant credit, unless the report states  
17          that the denial was for that reason.

18          (e) Procedure required.--Consumer reporting agencies shall  
19          maintain reasonable procedures designed to assure maximum  
20          possible accuracy of the information concerning the individual  
21          about whom the report relates.

22          (f) Other prohibitions.--

23                (1) Except as authorized under paragraph (2), no  
24                consumer reporting agency may make any consumer report  
25                containing any of the following items of information:

26                   (i) Bankruptcies which, from date of adjudication of  
27                   the most recent bankruptcy, predate the report by more  
28                   than ten years.

29                   (ii) Judgments which, from date of entry, predate  
30                   the report by more than seven years or until the

1 governing statute of limitations has expired, whichever  
2 is the longer period; or judgments which, from date of  
3 entry, having been satisfied within a five-year period  
4 from the entry date, shall be removed from the report  
5 five years after the entry date.

6 (iii) Paid tax liens which, from date of payment,  
7 predate the report by more than seven years.

8 (iv) Accounts placed for collection or charged to  
9 profit and loss which predate the report by more than  
10 seven years; or accounts placed for collection or charged  
11 to profit and loss, which have been paid and which  
12 predate the report by more than five years.

13 (v) Records of conviction of crime which, from date  
14 of disposition, release or parole, predate the report by  
15 more than seven years.

16 (vi) Information regarding drug or alcoholic  
17 addiction where the last reported incident relating to  
18 the addiction predates the consumer report or  
19 investigative consumer report by more than seven years.

20 (vii) Information relating to past confinement in a  
21 mental institution where the date of last confinement  
22 predates the report by more than seven years.

23 (viii) Any other adverse information which predates  
24 the report by more than seven years.

25 (2) The provisions of this subsection shall not apply to  
26 any of the following:

27 (i) A credit transaction involving, or which may  
28 reasonably be expected to involve, a principal amount of  
29 \$100,000 or more.

30 (ii) The underwriting of life insurance involving,

1 or which may reasonably be expected to involve, a face  
2 amount of \$100,000.

3 (iii) The employment of any individual at an annual  
4 salary which equals, or which may reasonably be expected  
5 to equal, \$50,000 or more.

6 (g) Polygraph information.--No consumer reporting agency  
7 shall collect, evaluate, report or maintain in the file on a  
8 consumer any results, opinions, analyses, transcripts or  
9 information of any nature concerning, related to or derived from  
10 a polygraph examination, an examination by any device or  
11 instrument of any type used to test or question individuals for  
12 the purpose of detecting deception, verifying truthfulness or  
13 measuring deceptive tendencies, or the questioning or  
14 interviewing of an individual by the examiner prior to or after  
15 such an examination.

16 Section 13. Compliance procedures.

17 Every consumer or reporting agency shall maintain reasonable  
18 procedures designed to avoid violations of sections 3 and 12 and  
19 to limit the furnishing of consumer reports to the purposes  
20 listed under section 3. These procedures shall require all  
21 prospective users of the information to identify themselves,  
22 certify the purposes for which the information is sought and  
23 certify that the information will be used for no other purpose.  
24 Every consumer reporting agency shall make a reasonable effort  
25 to verify the identity of a new prospective user and the uses  
26 certified by the prospective user prior to furnishing the user  
27 with a consumer report. No consumer reporting agency may furnish  
28 a consumer report to any person if it has reasonable grounds for  
29 believing that the consumer report will not be used for a  
30 purpose listed in section 3.

1 Section 14. Civil liability for willful noncompliance.

2 Any consumer reporting agency or user of information who or  
3 which willfully and knowingly fails to comply with any  
4 requirement imposed under this act with respect to any consumer  
5 is liable to that consumer in an amount equal to the sum of:

6 (1) any actual damages sustained by the consumer as a  
7 result of failure;

8 (2) the amount of punitive damages as the court may  
9 allow; and

10 (3) in the case of any successful action to enforce any  
11 liability under this section, the costs of the action  
12 together with reasonable attorney fees as determined by the  
13 appropriate court.

14 The court may, in its discretion, award up to three times the  
15 actual damages sustained, but not less than \$100, and may  
16 provide such additional relief as it deems necessary or proper.

17 Section 15. Civil liability for negligent noncompliance.

18 Any consumer reporting agency or user of information who or  
19 which is negligent in failing to comply with any requirement  
20 imposed under this act with respect to any consumer is liable to  
21 that consumer in an amount equal to the sum of:

22 (1) any actual damages sustained by the consumer as a  
23 result of the failure; and

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

28 The court may, in its discretion, award up to three times the  
29 actual damages sustained, but not less than \$100, and may  
30 provide such additional relief as it deems necessary or proper.

1 Section 16. Limitation of actions and jurisdiction.

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

12 Section 17. Penalties.

13 (a) Obtaining information.--Any person who obtains  
14 information concerning a consumer from a consumer reporting  
15 agency under false pretenses commits a misdemeanor of the third  
16 degree and shall, upon conviction, be sentenced to pay a fine of  
17 not more than \$5,000 or to imprisonment for not more than one  
18 year, or both.

19 (b) Introducing information.--Any person who introduces,  
20 attempts to introduce or causes to be introduced false  
21 information into a consumer reporting agency's files for the  
22 purpose of wrongfully damaging or wrongfully enhancing the  
23 credit information of any individual commits a misdemeanor of  
24 the third degree and shall, upon conviction, be sentenced to pay  
25 a fine of not more than \$5,000 or to imprisonment for not more  
26 than one year, or both.

27 (c) Additional penalty.--Any violation of this act shall  
28 constitute a violation of the act of December 17, 1968  
29 (P.L.1224, No.387), known as the Unfair Trade Practices and  
30 Consumer Protection Law.

(d) Exception.--This section shall not apply to statements filed under section 8(c)(2).

Section 18. Unauthorized disclosures by officers or employees.

Any officer or employee of a consumer reporting agency who provides information concerning an individual from the agency's files to a person not authorized to receive that information commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of not more than \$5,000 or to imprisonment for not more than one year, or both.

Section 19. Disclosure of medical information.

Whenever any provision of this act requires disclosure of medical information or the disclosure of a reason for adverse action which involves medical information, the information or reason shall be disclosed only to a physician designated by the consumer for that purpose.

Section 20. Disclosures to governmental agencies.

Notwithstanding the provisions of section 3, a consumer reporting agency may furnish identifying information respecting any consumer, limited to his name, address, former addresses, places of employment or former places of employment to a governmental agency. A consumer agency may also furnish information contained in a consumer's file to a government agency for law enforcement purposes.

Section 21. Effective date.

This act shall take effect in 60 days.