

FILED FEB 23 2005

SENATE FILE 209

COMMERCE

BY McCOY

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to consumer access to consumer credit reports,
2 and providing a private right of action.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 209 COMMERCE

1 ARTICLE 9

2 CONSUMER CREDIT REPORTS

3 Section 1. NEW SECTION. 537.9101 PROVISION OF CONSUMER
4 CREDIT REPORTS.

5 1. For purposes of this section, unless the context
6 otherwise requires:

7 a. "Consumer" means an individual who obtains or has
8 obtained a financial product or service from a financial
9 institution that is to be used primarily for personal, family,
10 or household purposes, or that individual's legal
11 representative.

12 b. "Consumer report" means any written or other form of
13 communication of any information by a consumer reporting
14 agency bearing on a consumer's creditworthiness, credit
15 standing, or credit capacity which is used or intended to be
16 used or collected, in whole or in part, for the purpose of
17 serving as a factor in establishing the consumer's eligibility
18 for either of the following:

19 (1) Credit or insurance to be used primarily for personal,
20 family, or household purposes.

21 (2) Employment, promotion, reassignment, or retention as
22 an employee.

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

29 2. a. A consumer reporting agency that compiles and
30 maintains files on consumers on a nationwide basis shall
31 furnish to any consumer who has provided appropriate
32 verification of the consumer's identity one complete consumer
33 report per calendar year, upon the written request of the
34 consumer and without charge to the consumer.

35 b. The report required under this section must be

1 furnished by the consumer reporting agency to a requesting
2 consumer within ten calendar days of the consumer reporting
3 agency's receipt of the consumer's request.

4 3. A consumer who requests and is not provided a consumer
5 report pursuant to this section shall have a cause of action
6 against the consumer reporting agency that fails to furnish
7 the requested report within ten calendar days of the request
8 to obtain both of the following:

9 a. The greater of actual monetary damages or two hundred
10 fifty dollars.

11 b. Reasonable attorney fees and court costs.

12 EXPLANATION

13 This bill provides that a consumer reporting agency shall
14 provide a consumer with one free copy of the consumer's credit
15 report annually, upon the consumer's written request, within
16 10 days of receipt of the request. If the consumer reporting
17 agency fails to provide the requested copy, the consumer may
18 bring an action for the greater of actual damages or \$250, as
19 well as attorney fees and court costs.

20 The bill also defines "consumer", "consumer report", and
21 "consumer reporting agency".

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