

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Dietz**

A Bill

HOUSE BILL 1919

For An Act To Be Entitled

8 "AN ACT TO PROVIDE THAT CONSUMER REPORTING AGENCIES SHALL
9 PROVIDE THEIR CLIENTS WITH THE CREDITOR'S NAME PLUS EITHER
10 ADDRESS OR SOCIAL SECURITY NUMBER WHEN FURNISHING A
11 CONSUMER CREDIT REPORT; AND FOR OTHER PURPOSES."

12
13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

14
15 SECTION 1. As used in this act:

16 (1) "Consumer" means an individual;

17 (2) "Consumer report" means any written, oral, or other communication
18 of any information by a consumer reporting agency bearing on a consumer's
19 credit worthiness, credit standing, credit capacity, character, general
20 reputation, personal characteristics, or mode of living which is used or
21 expected to be used or collected in whole or in part for the purpose of
22 serving as a factor in establishing the consumer's eligibility for credit or
23 insurance to be used primarily for personal, family, or household purposes, or
24 employment purposes, or other purposes authorized by law. The term does not
25 include:

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

28 (B) any authorization or approval of a specific extension of
29 credit directly or indirectly by the issuer of a credit card or similar
30 device; or

31 (C) any report in which a person who has been requested by a third
32 party to make a specific extension of credit directly or indirectly to a
33 consumer conveys his decision with respect to such request, if the third party
34 advises the consumer of the name and address of the person to whom the request
35 was made and such person makes the disclosures to the consumer required under

1 Ark. Code Ann. §4-93-104;

2 (3) "Consumer reporting agency" means any person which, for monetary
3 fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or
4 in part in the practice of assembling or evaluating consumer credit
5 information or other information on consumers for the purpose of furnishing
6 consumer reports to third parties, and which uses any means or facility of
7 interstate commerce for the purpose of preparing or furnishing consumer
8 reports.

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10 SECTION 2. In order to properly identify the consumer, every consumer
11 reporting agency shall, when furnishing consumer reports to any third party,
12 provide the third party the consumer's name plus one of the following:

- 13 (1) the consumer's social security number;
- 14 (2) the consumer's address; or
- 15 (3) *the consumer's driver's license number and date of birth.*

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17 SECTION 3. *Any consumer who has been denied credit or who has had*
18 *credit canceled, revoked or withdrawn as a result of a consumer report having*
19 *contained incorrect information in violation of Section 2 of this act shall be*
20 *entitled to damages from the consumer reporting agency responsible for said*
21 *report in an amount not to exceed ten thousand dollars (\$10,000).*

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23 SECTION 4. All provisions of this act of a general and permanent nature
24 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
25 Revision Commission shall incorporate the same in the Code.

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27 SECTION 5. If any provision of this act or the application thereof to
28 any person or circumstance is held invalid, such invalidity shall not affect
29 other provisions or applications of the act which can be given effect without
30 the invalid provision or application, and to this end the provisions of this
31 act are declared to be severable.

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33 SECTION 6. All laws and parts of laws in conflict with this act are
34 hereby repealed.

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36 /s/James Dietz