

By: Representatives Reeves, Holland

To: Banks and Banking

HOUSE BILL NO. 538

1 AN ACT TO REQUIRE EACH CONSUMER REPORTING AGENCY TO PROVIDE A
2 CONSUMER WITH ONE DISCLOSURE COPY OF HIS OR HER FILE PER YEAR AT
3 NO CHARGE; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** (1) As used in this section, the following terms
6 shall have the following meanings:

7 (a) "Consumer" means a natural person residing in the
8 State of Mississippi.

9 (b) "Consumer report" means any written, oral, or other
10 communication or any information by a consumer reporting agency
11 bearing on a consumer's creditworthiness, credit standing, credit
12 capacity, debts, character, general reputation, personal
13 characteristics, or mode of living, which is used or expected to
14 be used or collected, in whole or in part, as a factor to
15 establish a consumer's eligibility for (i) credit or insurance to
16 be used primarily for personal, family, or household purposes,
17 (ii) employment purposes, or (iii) any other purpose authorized
18 under applicable provisions of the federal Fair Credit Reporting
19 Act, 15 USCS Section 1681 et seq.

20 (c) "Consumer reporting agency" means any person that,
21 for monetary fees, dues, or on a cooperative nonprofit basis,
22 regularly engages in whole or in part in the practice of
23 assembling or evaluating consumer credit information or other
24 information on consumers for the purpose of furnishing consumer
25 reports to third parties. "Consumer reporting agency" does not
26 include any business entity that provides check verification or
27 check guarantee services only.



28 (d) "Creditworthiness" means any entry in a consumer's
29 credit file that impacts the ability of a consumer to obtain and
30 retain credit, employment, business or professional licenses,
31 investment opportunities, or insurance. Entries contained in a
32 consumer file or in a consumer report that affect creditworthiness
33 shall include, but not be limited to, payment information,
34 defaults, judgments, liens, bankruptcies, collections, records of
35 arrest and indictments, and multiple-credit inquiries.

36 (e) "Employment purposes," when used in connection with
37 a consumer report, means a report used for the purpose of
38 evaluating a consumer for employment, promotion, reassignment, or
39 retention as an employee.

40 (f) "File" means all of the information on the consumer
41 that is recorded and retained by a consumer reporting agency
42 regardless of how the information is stored.

43 (g) "Person" means any natural person, firm,
44 corporation or partnership.

45 (2) Each consumer reporting agency, upon the request of a
46 consumer, shall provide the consumer with one (1) disclosure copy
47 of his or her file per calendar year at no charge. If the
48 consumer requests more than one disclosure copy of his or her file
49 per year under this subsection, the consumer reporting agency may
50 charge the consumer up to Eight Dollars (\$8.00) for each
51 additional disclosure copy.

52 (3) A consumer reporting agency, upon written or verbal
53 request of a consumer under subsection (2) of this section and
54 proper identification of the consumer, shall clearly, accurately,
55 and in a manner that is understandable to the consumer, disclose
56 to the consumer, in writing, all information in its files at the
57 time of the request pertaining to the consumer, including, but not
58 limited to:



59 (a) The names of all persons requesting credit
60 information pertaining to the consumer during the prior
61 twelve-month period and the date of each request; and

62 (b) A set of instructions, presented in a manner that
63 is understandable to the consumer, describing how information is
64 presented on its written disclosure of the file.

65 **SECTION 2.** This act shall take effect and be in force from
66 and after July 1, 2003.

