

1999 DRAFTING REQUEST

Bill

Received: **10/26/98**

Received By: **hubliks**

Wanted: **As time permits**

Identical to LRB:

For: **Marlin Schneider (608) 266-0215**

By/Representing: **himself**

This file may be shown to any legislator: **NO**

Drafter: **rmarchan**

May Contact:

Alt. Drafters:

Subject: **Fin. Inst. - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Wisconsin consumers should be able to receive, annually, free of charge a copy of their credit report from each credit bureau.

Instructions:

See Topic

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	hubliks 01/6/99			_____			State
/P1	rmarchan 02/25/99	chanaman 02/25/99	martykr 02/25/99	_____	lrb_docadmin 02/25/99		
/1	rmarchan 03/16/99	chanaman 03/16/99	martykr 03/17/99	_____	lrb_docadmin 03/17/99		
/2	rmarchan	chanaman	jfrantze	_____	lrb_docadmin	lrb_docadmin	



<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typist</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	03/18/99	03/18/99	03/19/99	_____	03/19/99	03/22/99	

FE Sent For:

<END>

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/2	rmarchan	chanaman	jfrantze	_____	lrb_docadmin		

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/1	rmarchan 03/16/99	chanaman 03/16/99	martykr 03/17/99	_____	lrb_docadmin 03/17/99		

1/2
cmH
3/18

Jb 3/19

Jb/Rh
3/19

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FE Sent For:

*amy
2/16
h*

3/17

3/17

<END>

10

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1?	hubliks 01/6/99 rmarchan	CMH 2/25 /p1	Jm 2/25	H/H 2 2/25	yes		

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/?	hubliks 01/6/99 rmarchan			_____			

FE Sent For:

<END>



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1848/P1
RJM:emh&kgijs

0668/P1
cmj
Redraft make
NOT
m

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

NOTE

repen
cat

- 1 AN ACT *to create* subchapter VI of chapter 422 [precedes 422.601] of the statutes;
- 2 **relating to:** disclosure of credit reports and providing a penalty.

Analysis by the Legislative Reference Bureau

Wisconsin law currently does not specifically regulate the disclosure of credit reports to consumers by a credit reporting agency (agency). However, under current federal law, an agency must provide a consumer with five pieces of information upon request: all nonmedical information contained in the agency's files on the consumer, the sources of that information, the recipients of any credit report concerning the consumer, information regarding any checks that form the basis of an adverse characterization of the consumer, and a record of certain inquiries received by the agency that identified the consumer. Generally, unless the consumer's request is pursuant to a denial of credit or to a notice that the consumer's credit may be adversely affected, the agency may charge up to \$8 for this disclosure. In certain circumstances, federal law prohibits an agency from disclosing the sources of information in a consumer's file.

This bill requires an agency, upon request, to provide one free written disclosure report to a consumer per year. In addition to the disclosure required by the federal law, this bill requires the agency to provide the consumer with a current credit report and a clear and concise explanation of the contents of the written disclosure report. This bill prohibits an agency from making certain disclosures prohibited under federal law.

1 (b) The date of each request for credit information pertaining to the individual
2 received by the consumer reporting agency during the 12 months before the date that
3 the consumer reporting agency provides the written disclosure report.

4 (c) The name of each person requesting credit information pertaining to the
5 individual during the 12 months before the date that the consumer reporting agency
6 provides the written disclosure report.

7 (d) The dates, original payees and amounts of any checks upon which any
8 adverse characterization of the consumer is based.

9 (e) Any other information contained in the individual's file.

10 (f) A clear and concise explanation of the contents of the written disclosure
11 report.

12 (g) A summary of rights.

13 (3) COST. A consumer reporting agency shall provide the written disclosure
14 report required under sub. (1) free of charge, unless the individual has requested a
15 written disclosure report from the consumer reporting agency during the preceding
16 12 months.

17 **422.603 Exceptions.** Notwithstanding s. 422.602 (2), a consumer reporting
18 agency shall not disclose to an individual making a request under s. 422.602 (1) any
19 of the following:

20 (1) The sources of any information that was both acquired solely for use in
21 preparing an investigative consumer report and used for no other purpose.

22 (2) Any credit score or other risk score or predictor relating to the consumer.

23 **422.604 Penalty.** A violation of this subchapter is subject to s. xxxx.

No Caps & Small

***NOTE: WE WILL NEED TO FILL IN THE TYPE AND AMOUNT OF PENALTY BEFORE
CREATING AN INTRODUCIBLE BILL.

1

(END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

668/P1dn
LRB-1848/P1dn
RJM:cmh&kg:ijs
cmj

February 16, 1999 (re-gen. date)

1. The attached draft requires a credit reporting agency (agency) to provide one free disclosure report to a consumer per calendar year. The federal Fair Credit Reporting Act would generally allow the agency to charge up to \$8 for each additional disclosure. The federal law also requires free disclosure if the consumer's request is in response to a denial of credit or to a notice that the consumer's credit rating may be adversely affected. If this fee arrangement is not what you intended, please let me know.

2. I have incorporated the definitions contained in the federal law into this draft. Please contact me, if the federal definitions are not consistent with your intent.

3. The federal law requires an agency to disclose five pieces of information to a consumer upon request: all nonmedical information contained in the agency's files on the consumer, the sources of that information, the recipients of any credit report concerning the consumer, information regarding any checks that form the basis of an adverse characterization of the consumer, and a record of certain inquiries received by the agency that identified the consumer. This draft requires the agency to disclose certain additional information. I modeled these disclosure requirements after a combination of other states' laws. Please review the disclosure requirements and let me know if you desire any changes.

4. I have left the penalty section of this draft blank. Typically, violations of the Wisconsin Consumer Act (Act) are subject to one of the blanket penalty provisions in the Act. These penalty provisions are contained in ss. 425.302 to 425.304. Generally, for violations unrelated to an underlying consumer transaction, these provisions would require a payment to the consumer of either \$25 or \$100, plus damages. The Connecticut consumer credit reporting law requires a \$100 fine for a first offense and escalating criminal penalties for subsequent offenses. In addition, the federal law provides different levels of penalties for wilful, knowing, and negligent noncompliance. After you have determined what type and amount of penalty you intend, please give me a call.

Once you have reviewed the above issues, please contact me and I will incorporate your requested changes into this draft. I will then be able to redraft the bill in introducible form. Also, please feel free to call, if you have any other questions.

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: Robert.Marchant@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0668/P1dn
RJM:cmh:km

February 25, 1999

1. The attached draft requires a credit reporting agency (agency) to provide one free disclosure report to a consumer per calendar year. The federal Fair Credit Reporting Act would generally allow the agency to charge up to \$8 for each additional disclosure. The federal law also requires free disclosure if the consumer's request is in response to a denial of credit or to a notice that the consumer's credit rating may be adversely affected. If this fee arrangement is not what you intended, please let me know.

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Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: Robert.Marchant@legis.state.wi.us



State of Wisconsin
1999 - 2000 LEGISLATURE

1
LRB-0668A
RJM: ~~cmr~~
cmr

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

RMR
DNOTE

gen. cat.

- 1 AN ACT to create ~~subchapter VI of chapter 422 [precedes 422.601] of the statutes,~~
- 2 relating to: disclosure of credit reports and providing a penalty.

Analysis by the Legislative Reference Bureau

Wisconsin law currently does not specifically regulate the disclosure of credit reports to consumers by a credit reporting agency (agency). However, under current federal law, an agency must provide a consumer with five pieces of information upon request: all nonmedical information contained in the agency's files on the consumer, the sources of that information, the recipients of any credit report concerning the consumer, information regarding any checks that form the basis of an adverse characterization of the consumer, and a record of certain inquiries received by the agency that identified the consumer. Generally, unless the consumer's request is pursuant to a denial of credit or to a notice that the consumer's credit may be adversely affected, the agency may charge up to \$8 for this disclosure. In certain circumstances, federal law prohibits an agency from disclosing the sources of information in a consumer's file.

This bill requires an agency, upon request, to provide one free written disclosure report to a consumer per year. In addition to the disclosure required by the federal law, this bill requires the agency to provide the consumer with a current credit report and a clear and concise explanation of the contents of the written disclosure report. This bill prohibits an agency from making certain disclosures prohibited under federal law.

A person who violates this bill may be fined up to \$500 for a first offense and may be fined up to \$1000 or imprisoned for up to six months or both for a subsequent offense within six months.

1 (b) The date of each request for credit information pertaining to the individual
2 received by the consumer reporting agency during the 12 months before the date that
3 the consumer reporting agency provides the written disclosure report.

4 (c) The name of each person requesting credit information pertaining to the
5 individual during the 12 months before the date that the consumer reporting agency
6 provides the written disclosure report.

7 (d) The dates, original payees and amounts of any checks upon which any
8 adverse characterization of the consumer is based.

9 (e) Any other information contained in the individual's file.

10 (f) A clear and concise explanation of the contents of the written disclosure
11 report.

12 (g) A summary of rights.

13 (3) COST. A consumer reporting agency shall provide the written disclosure
14 report required under sub. (1) free of charge, unless the individual has requested a
15 written disclosure report from the consumer reporting agency during the preceding
16 12 months.

17 **422.603 Exceptions.** Notwithstanding s. 422.602 (2), a consumer reporting
18 agency shall not disclose to an individual making a request under s. 422.602 (1) any
19 of the following:

20 (1) The sources of any information that was both acquired solely for use in
21 preparing an investigative consumer report and used for no other purpose.

22 (2) Any credit score or other risk score or predictor relating to the consumer.

23 **422.604 Penalty.** A violation of this subchapter is subject to s. ~~422.604~~ [✓]
425.401 (2).

~~****NOTE: We will need to fill in the type and amount of penalty before creating an
introducible bill.~~

1

(END)

INSERT

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0668/lins
RJM:.....

INSERT 4-1

SECTION 1. 425.401[✓] of the statutes is renumbered 425.401 (1).

SECTION 2. 425.401[✓] (2) of the statutes is created to read:

425.401 (2) Any person who violates s. 422.602[✓] may be fined not more than \$500 for the first offense and may be fined not more than \$1000 or imprisoned for not more than 6 months or both for each subsequent offense occurring within 6 months.

(END OF INSERT)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0668/1dn

RJM:.....

CMJ

Per your instructions and my conversations with your office, I have redrafted this bill to include a penalty section similar to that contained in Connecticut law. Please note the following differences between the penalty section in this bill and that in Connecticut law: (a) Connecticut's criminal penalties apply to willful violations whereas the penalties in this bill create strict liability, applying to any violation; (b) Connecticut has different penalties for first, second and third or subsequent offenses, whereas this bill has different penalties for first and second or subsequent offenses and (c) Connecticut's statute does not list a timeframe for calculating the number of previous offenses, whereas this bill requires a second or subsequent violation within 6 months in order for increased penalties to apply.

Please contact me if you desire any more changes to this bill.

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: Robert.Marchant@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0668/1dn
RJM:cmh:km

March 17, 1999

Per your instructions and my conversations with your office, I have redrafted this bill to include a penalty section similar to that contained in Connecticut law. Please note the following differences between the penalty section in this bill and that in Connecticut law: (a) Connecticut's criminal penalties apply to wilful violations whereas the penalties in this bill create strict liability, applying to any violation; (b) Connecticut has different penalties for first, second and third or subsequent offenses, whereas this bill has different penalties for first and second or subsequent offenses; and (c). Connecticut's statute does not list a time frame for calculating the number of previous offenses, whereas this bill requires a second or subsequent violation within 6 months in order for increased penalties to apply.

Please contact me if you desire any more changes to this bill.

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: Robert.Marchant@legis.state.wi.us



State of Wisconsin
1999 - 2000 LEGISLATURE

5000

1999 BILL

LRB-0668/2
RJM
cmj
EMR

DNOTE

releg act.

1 AN ACT to renumber 425.401; and to create subchapter VI of chapter 422
2 [precedes 422.601] and 425.401 (2) of the statutes; relating to: disclosure of
3 credit reports and providing a penalty.

Analysis by the Legislative Reference Bureau

Wisconsin law currently does not specifically regulate the disclosure of credit reports to consumers by a credit reporting agency (agency). However, under current federal law, an agency must provide a consumer with five pieces of information upon request: all nonmedical information contained in the agency's files on the consumer, the sources of that information, the recipients of any credit report concerning the consumer, information regarding any checks that form the basis of an adverse characterization of the consumer, and a record of certain inquiries received by the agency that identified the consumer. Generally, unless the consumer's request is pursuant to a denial of credit or to a notice that the consumer's credit may be adversely affected, the agency may charge up to \$8 for this disclosure. In certain circumstances, federal law prohibits an agency from disclosing the sources of information in a consumer's file.

This bill requires an agency, upon request, to provide one free written disclosure report to a consumer per year. In addition to the disclosure required by the federal law, this bill requires the agency to provide the consumer with a current credit report and a clear and concise explanation of the contents of the written disclosure report. This bill prohibits an agency from making certain disclosures prohibited under federal law. A person who violates this bill may be fined up to \$500 for a first offense

BILL

1 (b) The date of each request for credit information pertaining to the individual
2 received by the consumer reporting agency during the 12 months before the date that
3 the consumer reporting agency provides the written disclosure report.

4 (c) The name of each person requesting credit information pertaining to the
5 individual during the 12 months before the date that the consumer reporting agency
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9 (e) Any other information contained in the individual's file.

10 (f) A clear and concise explanation of the contents of the written disclosure
11 report.

12 (g) A summary of rights.

13 (3) **COST.** A consumer reporting agency shall provide the written disclosure
14 report required under sub. (1) free of charge, unless the individual has requested a
15 written disclosure report from the consumer reporting agency during the preceding
16 12 months.

17 **422.603 Exceptions.** Notwithstanding s. 422.602 (2), a consumer reporting
18 agency shall not disclose to an individual making a request under s. 422.602 (1) any
19 of the following:

20 (1) The sources of any information that was both acquired solely for use in
21 preparing an investigative consumer report and used for no other purpose.

22 (2) Any credit score or other risk score or predictor relating to the consumer.

23 **422.604 Penalty.** A violation of this subchapter is subject to s. ~~425.401~~

24 **SECTION 2.** 425.401 of the statutes is renumbered 425.401 (1).

25 **SECTION 3.** 425.401 (2) of the statutes is created to read:

425.401
425.401

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0668/2dn

RJM:.....

cmr

This draft is a /2 version of the credit report draft prepared for you this session. This draft corrects a cross-reference error in the penalty section. I regret that I did not notice this error before providing the first draft to you and apologize for any inconvenience.

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: Robert.Marchant@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0668/2dn
RJM:cmh:jf

March 18, 1999

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Legislative Attorney
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E-mail: Robert.Marchant@legis.state.wi.us

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 3/17/99

To: Representative Schneider

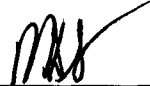
Relating to LRB drafting number: LRB-0668

Topic

Wisconsin consumers should be able to receive, annually, free of charge a copy of their credit report from each credit bureau.

Subject(s)

Fin. Inst. - miscellaneous

1. **JACKET** the draft for introduction  _____

in the **Senate** ____ or the **Assembly** ____ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Robert J. Marchant, Legislative Attorney
Telephone: (608) 261-4454