

FIRST REGULAR SESSION

SENATE BILL NO. 145

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR DOUGHERTY.

Pre-filed January 4, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

0330S.011

AN ACT

To amend chapter 408, RSMo, by adding thereto one new section relating to credit risk scores.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 408, RSMo, is amended by adding thereto one new section, to be known as section 408.800, to read as follows:

408.800. 1. As used in this section, the following terms mean:

(1) "Consumer report", the meaning prescribed in 15 U.S.C., section 1681a;

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

(3) "Credit risk score", a number calculated by a mathematical equation that evaluates a consumer's credit history and is used to identify a consumer's future credit risk.

2. No consumer reporting agency shall determine the credit risk score of a consumer resident of this state, in whole or in part, by the number of inquiries posted on a consumer's credit files.

3. Any consumer in this state who receives a credit risk score calculated in violation of this section may bring an action against the consumer reporting agency that produces the credit risk score and may recover the following:

(1) In the case of a negligent violation, actual damages, plus the costs of the action, loss of wages, and reasonable attorneys' fees;

(2) In the case of willful violation, damages, costs, and fees set forth in subdivision (1) of this subsection, punitive damages of not less than one thousand

dollars nor more than ten thousand dollars for each violation as the court deems proper, and any other relief that the court deems proper; and

(3) Injunctive relief to compel compliance with subsection 2 of this section whether or not the consumer seeks any other remedy pursuant to this section, plus the costs of the action, loss of wages, and reasonable attorneys' fees.

4. Notwithstanding other provisions of law to the contrary, the attorney general shall have authority to file and prosecute any criminal or civil actions authorized by this section.

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