

ASSEMBLY, No. 5055

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 14, 2019

Sponsored by:

Assemblywoman YVONNE LOPEZ

District 19 (Middlesex)

Assemblyman JAMEL C. HOLLEY

District 20 (Union)

Assemblyman GARY S. SCHAER

District 36 (Bergen and Passaic)

SYNOPSIS

Requires consumer reporting agencies to make credit reports available to consumers in Spanish and certain other languages.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/19/2019)

1 AN ACT concerning consumer reporting agencies and amending
2 P.L.1997, c.172.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 7 of P.L.1997, c.172 (C.56:11-34) is amended to
8 read as follows:

9 7. Every consumer reporting agency shall, upon request and
10 proper identification of any consumer, clearly and accurately
11 disclose to the consumer:

12 a. All information in the consumer's file at the time of the
13 request.

14 b. The sources of the information; except that the sources of
15 information acquired solely for use in preparing an investigative
16 consumer report and actually used for no other purpose need not be
17 disclosed: provided, that if an action is brought under this act or the
18 federal "Fair Credit Reporting Act," such sources shall be available
19 to the plaintiff under appropriate discovery procedures in the court
20 in which the action is brought.

21 c. (1) The identification of each person, including each end-
22 user identified under subsections d. and e. of section 5 of this act,
23 who procured a consumer report:

24 (a) for employment purposes, during the two-year period
25 preceding the date on which the request is made; or

26 (b) for any other purpose, during the one-year period preceding
27 the date on which the request is made.

28 (2) An identification of a person under paragraph (1) shall
29 include:

30 (a) the name of the person, or, if applicable, the trade name
31 written in full under which the person conducts business; and

32 (b) upon request of the consumer, the address and telephone
33 number of the person.

34 d. The dates, original payees, and amounts of any checks upon
35 which is based any adverse characterization of the consumer,
36 included in the file at the time of the disclosure.

37 e. A record of all inquiries received by the agency during the
38 one-year period preceding the request that identified the consumer
39 in connection with a credit or insurance transaction that was not
40 initiated by the consumer.

41 The information subject to disclosure pursuant to this section
42 shall be made available to a consumer upon the consumer's request
43 in Spanish or any other language that the Director of the Division of
44 Consumer Affairs determines is the first language of a significant
45 number of consumers in the State. This determination shall be, at

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 the discretion of the director, based on the numerical percentages of
2 all consumers in the State for whom English or Spanish is not a first
3 language or in a manner consistent with any regulations
4 promulgated by the director for this purpose.
5 (cf: P.L.1997, c.172, s.7)

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7 2. This act shall take effect on the 90th day next following the
8 date of enactment.

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STATEMENT

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13 This bill requires consumer reporting agencies to make credit
14 reports available to consumers in Spanish and certain other
15 languages.

16 Specifically, the bill requires that the information subject to
17 disclosure pursuant to the current credit reporting law to be made
18 available to consumers upon request in Spanish and any other
19 language that the Director of the Division of Consumer Affairs
20 determines is the first language of a significant number of
21 consumers in the State. This determination is to be, at the
22 discretion of the director, based on the numerical percentages of all
23 consumers in the State for whom English or Spanish is not a first
24 language or in a manner consistent with any regulations
25 promulgated by the director for this purpose.