MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Banks

To: Banking and Financial Services

# HOUSE BILL NO. 403

AN ACT TO PROHIBIT CONSUMER CREDIT REPORTING AGENCIES AND AUTHORIZED RECIPIENTS OF CONSUMER CREDIT REPORTS FROM RELEASING A CONSUMER'S CREDIT REPORT OR INFORMATION CONTAINED IN THE REPORT UNLESS AUTHORIZED IN WRITING BY THE CONSUMER; AND FOR RELATED PURPOSES.

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

**SECTION 1.** (1) As used in this section, the following words and phrases have the meanings as defined in this subsection unless the context clearly indicates otherwise:

(a) "Consumer" means a natural person residing in this state.

(b) "Consumer credit report" means a consumer report, as defined in 15 U.S.C. Section 1681a(d), that a consumer credit reporting agency furnishes to a person that the agency has reason to believe intends to use the information as a factor in establishing the consumer's eligibility for credit to be used primarily for personal, family or household purposes.

(c) "Consumer credit reporting agency" means any person that, 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 credit reports to third parties.

(d) "Person" means any individual, partnership, corporation, trust, estate, cooperative, association, government or political subdivision or agency, or other entity.

(2) A consumer credit reporting agency may not provide a consumer credit report or any information contained in a consumer credit report on a consumer to a person unless the consumer has authorized, in writing, the consumer credit reporting agency to release the consumer credit report to a recipient specifically named by the consumer.

(3) A recipient of a consumer credit report authorized by a consumer to receive the report may not release the report or any information contained in the report to any other person unless the consumer has authorized, in writing, the recipient of the consumer credit report to release information contained in the consumer credit report. The consumer shall specify to whom the information in the consumer credit report may be released and may limit the scope of the information that the consumer is authorizing to be released from the consumer credit report.

(4) A consumer who wishes to allow the consumer's credit report to be accessed for a specific period of time may contact a consumer credit reporting agency to authorize the agency to

release the credit report without further authorization from the consumer. The request must provide all of the following:

(a) Proper identification;

(b) The specific time period for which the report will be available to users of the consumer credit report; and

(c) Any person to whom the consumer credit report may not be released.

(5) A consumer credit reporting agency shall develop procedures involving the use of telephone, the Internet or other electronic media to receive and process requests from consumers made under subsection (4) of this section.

**SECTION 2.** Section 1 of this act shall be codified as a new section in Chapter 24, Title 75, Mississippi Code of 1972.

**SECTION 3.** This act shall take effect and be in force from and after July 1, 2021.