

ASSEMBLY, No. 3949

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED APRIL 13, 2020

Sponsored by:

Assemblyman THOMAS P. GIBLIN

District 34 (Essex and Passaic)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

SYNOPSIS

Prohibits consumer reporting agencies from making reports containing adverse information related to persons affected by coronavirus disease 2019 pandemic.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/25/2020)

1 AN ACT concerning consumer reporting agencies and supplementing
2 P.L.1997, c.172 (C.56:11-28 et seq.).

3

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

6

7 1. a. (1) No consumer reporting agency shall include any
8 adverse information that is a result of the coronavirus disease 2019
9 pandemic in a consumer report pertaining to an affected person who
10 provides the agency with notice pursuant to subsection b. of this
11 section.

12 (2) No user of a consumer report shall consider any adverse
13 information that is a result of the coronavirus disease 2019 pandemic
14 in a consumer report pertaining to an affected person who provides
15 the user with notice pursuant to subsection b. of this section.

16 b. (1) An affected person may contact any consumer reporting
17 agency and request that the agency disregard any adverse information
18 related to the person obtained by the agency with respect to the period
19 beginning with the Public Health Emergency and State of Emergency
20 declared by the Governor in Executive Order 103 of 2020 and
21 extending 90 days following the end of that public health emergency
22 and state of emergency. The affected person shall include in the
23 request proof of financial hardship resulting from the coronavirus
24 disease 2019 pandemic.

25 (2) Any consumer reporting agency that receives a request
26 pursuant to paragraph (1) of this subsection shall respond to the
27 affected person and the Director of the Division of Consumer Affairs
28 in the Department of Law and Public Safety within five days of
29 receiving the request.

30 (3) An affected person may contact any user of a consumer report
31 and request that the user disregard any adverse information related to
32 the person in a consumer report with respect to the period beginning
33 with the Public Health Emergency and State of Emergency declared
34 by the Governor in Executive Order 103 of 2020 and extending 90
35 days following the end of that public health emergency and state of
36 emergency. The affected person shall include in the request proof of
37 financial hardship resulting from the coronavirus disease 2019
38 pandemic.

39 (4) Any user of a consumer report that receives a request pursuant
40 to paragraph (3) of this subsection shall respond to the affected
41 person and the Director of the Division of Consumer Affairs in the
42 Department of Law and Public Safety within five days of receiving
43 the request.

44 c. No charge shall be imposed by a consumer reporting agency
45 pursuant to section 10 of P.L.1997, c.172 (C.56:11-37) with respect
46 to a request made by a consumer pursuant to this section.

47 d. As used in this section:

“Affected person” means a person who is a resident of this State and has suffered financial hardship as a result of the coronavirus disease 2019 pandemic.

“User of a consumer report” means any person or entity that is furnished a consumer report for a purpose that is permissible pursuant to section 4 of P.L.1997, c.172 (C.56:11-31).

2. This act shall take effect immediately and be retroactive to March 9, 2020.

STATEMENT

This bill supplements the “New Jersey Fair Credit Reporting Act” to provide that no consumer reporting agency shall include, and no user of a consumer report shall consider, any adverse information in a consumer report that is a result of the coronavirus disease 2019 pandemic, with respect to an affected person who provides the agency or user notice pursuant to the bill.

Under the bill, an affected person may contact any consumer reporting agency or user of a consumer report and request that the agency or user disregard any adverse information related to the person obtained by the agency or user with respect to the period beginning with the Public Health Emergency and State of Emergency declared by the Governor in Executive Order 103 of 2020 and extending 90 days following the end of that public health emergency and state of emergency. The person shall include in the request proof of financial hardship resulting from the coronavirus disease 2019 pandemic.

The bill requires any consumer reporting agency or user of a consumer report that receives a request to respond to the affected person and the Director of the Division of Consumer Affairs in the Department of Law and Public Safety within five days of receiving the request.

The bill prohibits a consumer reporting agency from imposing any charge with respect to a request made by a consumer pursuant to the bill.