

SENATE, No. 888

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JANUARY 27, 2020

Sponsored by:

Senator NELLIE POU

District 35 (Bergen and Passaic)

SYNOPSIS

Prohibits consumer reporting agencies from making reports containing adverse information related to employees affected by federal government shutdown.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning consumer reporting agencies and
2 supplementing 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 a federal government
9 shutdown in a consumer report pertaining to an affected employee
10 who provides the agency with notice pursuant to subsection b. of
11 this section.

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

16 b. (1) An affected employee may contact any consumer
17 reporting agency and request that the agency disregard any adverse
18 information related to the employee obtained by the agency with
19 respect to a period beginning on the first day of any federal
20 government shutdown and extending 90 days following the end of
21 that federal government shutdown. The employee shall include in
22 the request a copy of proof of employment as an affected employee.
23 In the case of an affected employee that is employed by a contractor
24 with the federal government, the proof of employment shall include
25 documentation that the employee's pay was suspended during the
26 federal government shutdown.

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

32 (3) An affected employee may contact any user of a consumer
33 report and request that the user disregard any adverse information
34 related to the employee in a consumer report with respect to a
35 period beginning on the first day of any federal government
36 shutdown and extending 90 days following the end of that federal
37 government shutdown. The employee shall include in the request a
38 copy of proof of employment as an affected employee. In the case
39 of an affected employee that is employed by a contractor with the
40 federal government, the proof of employment shall include
41 documentation that the employee's pay was suspended during the
42 federal government shutdown.

43 (4) Any user of a consumer report that receives a request
44 pursuant to paragraph (3) of this subsection shall respond to the
45 affected employee and the Director of the Division of Consumer
46 Affairs in the Department of Law and Public Safety within five
47 days of receiving the request.

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

4 d. As used in this section:

5 "Affected employee" means a federal employee who, during a
6 federal government shutdown, is a resident of this State, and has
7 been required to work as a federal employee without pay or has
8 been furloughed as a federal employee without pay. "Affected
9 employee" also means an employee of a contractor with the federal
10 government whose pay was suspended during a federal government
11 shutdown as a result of that shutdown.

12 "Federal government shutdown" means any federal government
13 shutdown that began on or begins after December 22, 2018.

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

17
18 2. This act shall take effect immediately and be retroactive to
19 December 22, 2018.

20 21 22 STATEMENT

23
24 This bill supplements the "New Jersey Fair Credit Reporting
25 Act" to provide that no consumer reporting agency shall include,
26 and no user of a consumer report shall consider, any adverse
27 information in a consumer report that is a result of a federal
28 government shutdown that began on or begins after December 22,
29 2018, with respect to an affected employee who provides the
30 agency or user notice pursuant to the bill.

31 Under the bill, an affected employee may contact any consumer
32 reporting agency or user of a consumer report and request that the
33 agency or user disregard any adverse information related to the
34 employee obtained by the agency or user with respect to a period
35 beginning on the first day of any federal government shutdown and
36 extending 90 days following the end of that shutdown. The
37 employee shall include in the request a copy of proof of
38 employment as an affected employee. In the case of an affected
39 employee who is employed by a contractor with the federal
40 government, the proof of employment shall include documentation
41 that the employee's pay was suspended during the federal
42 government shutdown.

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

1 Under the bill, an "affected employee" is a federal employee
2 who, during any federal government shutdown that began on or
3 begins after December 22, 2018, is a resident of this State, and has
4 been required to work as a federal employee without pay or has
5 been furloughed as a federal employee without pay. "Affected
6 employee" also means an employee of a contractor with the federal
7 government whose pay was suspended during federal government
8 shutdown as a result of that shutdown.

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