

SENATE BILL NO. 238

INTRODUCED BY B. HAMLETT

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A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT A CONSUMER REPORTING AGENCY MAY NOT REPORT OBSOLETE INFORMATION THAT INCLUDES RECORDS OF ARREST OR INDICTMENT IF THE REPORTING AGENCY HAS KNOWLEDGE THAT A CONVICTION DID NOT RESULT; AND AMENDING SECTION 31-3-112, MCA."

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

Section 1. Section 31-3-112, MCA, is amended to read:

"31-3-112. Obsolete information. ~~No~~ A consumer reporting agency may not make any consumer report containing any of the following items of information:

- (1) bankruptcies which, from date of adjudication of the most recent bankruptcy, antedate the report by more than 14 years;
- (2) suits and judgments which, from date of entry, antedate the report by more than 7 years or until the governing statute of limitations has expired, whichever is the longer period;
- (3) paid tax liens which, from date of payment, antedate the report by more than 7 years;
- (4) accounts placed for collection or charged to profit and loss which antedate the report by more than 7 years;
- (5) records of arrest, indictment, or conviction of crime which, from date of disposition, release, or parole, antedate the report by more than 7 years and all records of arrest or indictment if the reporting agency has knowledge that a conviction did not result;
- (6) any other adverse item of information which antedates the report by more than 7 years."

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