

AMENDED IN ASSEMBLY MARCH 20, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1805

Introduced by Assembly Member Kehoe

January 16, 2002

An act to amend Section 1785.33 of the Civil Code, relating to consumer information.

LEGISLATIVE COUNSEL'S DIGEST

AB 1805, as amended, Kehoe. Consumer information: consumer credit reporting agencies.

The existing Consumer Credit Reporting Agencies Act provides for the regulation of consumer credit reporting agencies that regularly engage in the business of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer credit reports to 3rd parties. The act prescribes civil remedies for a violation of the act and provides a statute of limitations for actions brought pursuant to the act of 2 years from the date the plaintiff knew or should have known of the violation, but no more than 7 years from the earliest date on which the liability could have arisen. In cases in which the defendant materially and willfully misrepresented information required by the act, an action may be brought at any time within 2 years after the plaintiff discovers the misrepresentation.

This bill would revise the statute of limitations to instead provide that the plaintiff may bring an action within 2 years after discovery of the violation but no more than 7 years after the liability could have arisen,

except in cases in which the defendant materially and willfully misrepresented information, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1785.33 of the Civil Code is amended
 2 to read:
 3 1785.33. An action to enforce any liability created under this
 4 chapter may be brought in any appropriate court of competent
 5 jurisdiction within two years from the date the plaintiff *actually*
 6 discovered the violation of this title, but not more than seven years
 7 from the earliest date on which liability could have arisen, except
 8 that where a defendant has materially and willfully misrepresented
 9 any information required under this chapter to be disclosed to a
 10 consumer and the information so misrepresented is material to the
 11 establishment of the defendant's liability to the consumer under
 12 this chapter, the action may be brought at any time within two years
 13 after the discovery by the consumer of the misrepresentation.

