

Introduced by Senator Runner

February 19, 2016

An act to amend Section 1785.19 of the Civil Code, relating to consumer credit reporting.

LEGISLATIVE COUNSEL'S DIGEST

SB 1366, as introduced, Runner. Consumer credit reporting: violations: remedies.

Existing state and federal law regulate credit reporting agencies and prescribe the purposes for which a consumer credit report may be furnished by an agency. Existing law authorizes a consumer to bring an action for a civil penalty not to exceed \$2,500 against a person who knowingly and willingly accesses a file or file data in violation of the purposes for which a consumer credit report may be furnished.

This bill would increase the amount of the civil penalty, described above, to \$250,000. The bill would also make technical and conforming changes.

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 1785.19 of the Civil Code is amended
2 to read:
3 1785.19. (a) In addition to any other remedy provided by law,
4 a consumer may bring an action for a civil penalty, not to exceed
5 ~~two thousand five hundred~~ *hundred and fifty thousand* dollars
6 ~~(\$2,500); (\$250,000)~~ against any of the following:

- 1 (1) A person who knowingly and willfully obtains access to a
- 2 file other than as provided in Section 1785.11.
- 3 (2) ~~Any~~ A person who knowingly and willfully obtains data
- 4 from a file other than as provided in Section 1785.11.
- 5 (3) A person who uses the data received from a file in a manner
- 6 contrary to an agreement with the consumer credit reporting
- 7 agency.
- 8 ~~Such an~~ (b) An action as described in subdivision (a) may also
- 9 be brought by the person or entity responsible for the file accessed.
- 10 This remedy is in addition to any other remedy which may exist.
- 11 (b)
- 12 (c) If a plaintiff prevails in an action under subdivision ~~(a)~~ (a),
- 13 he or she shall be awarded the civil penalty, costs, and reasonable
- 14 attorney fees.