ASSEMBLY BILL No. 2185

Introduced by Assembly Member Bradford

February 18, 2010

An act to amend Section 1786.22 of the Civil Code, relating to consumer information.

legislative counsel's digest

AB 2185, as introduced, Bradford. Investigative consumer reporting agencies.

Existing law requires every investigative consumer reporting agency to allow a consumer, upon request and proper identification, to visually inspect all files maintained regarding the consumer at the time of the request. The agency is required to supply the files and specified information during normal business hours and on reasonable notice, as provided, and to provide trained personnel to explain any information furnished to the consumer.

This bill would make technical, nonsubstantive changes to these provisions.

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

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

SECTION 1. Section 1786.22 of the Civil Code is amended to read:

1786.22. (a) An investigative consumer reporting agency shall supply files and information required under Section 1786.10 during normal business hours and on reasonable notice.

(b) Files maintained on a consumer shall be made available for the consumer's visual inspection, as follows:

(1) In person, if ~~he~~ *the consumer* appears in person and furnishes proper identification. A copy of his *or her* file shall also be available to the consumer for a fee not to exceed the actual costs of *the* duplication services provided.

(2) By certified mail, if he *or she* makes a written request, with proper identification, for copies to be sent to a specified addressee. Investigative consumer reporting agencies complying with requests for certified mailings under this section shall not be liable for disclosures to third parties caused by mishandling of mail after ~~such~~ *those* mailings leave the investigative consumer reporting agencies.

(3) A summary of all information contained in files on a consumer and required to be provided by Section 1786.10 shall be provided by telephone, if the consumer has made a written request, with proper identification for telephone disclosure, and the toll charge, if any, for the telephone call is prepaid by or charged directly to the consumer.

(c) The term "proper ~~identification"~~ *identification,*" as used in subdivision (b) ~~shall mean~~, *means* that information generally deemed sufficient to identify a person. ~~Such~~ *That* information includes documents such as a valid driver's license, social security account number, military identification card, and credit cards. Only if the consumer is unable to reasonably identify himself *or herself* with the information described above, may an investigative consumer reporting agency require additional information concerning the consumer's employment and personal or family history in order to verify his *or her* identity.

(d) The investigative consumer reporting agency shall provide trained personnel to explain ~~to the consumer~~ any information furnished ~~him~~ *to the consumer* pursuant to Section 1786.10.

(e) The investigative consumer reporting agency shall provide a written explanation of any coded information contained in files maintained on a consumer. This written explanation shall be distributed whenever a file is provided to a consumer for visual inspection as required under Section 1786.22.

(f) The consumer shall be permitted to be accompanied by one other person of his *or her* choosing, who shall furnish reasonable identification. An investigative consumer reporting agency may require the consumer to furnish a written statement granting permission to the consumer reporting agency to discuss the consumer's file in ~~such~~ *that other* person's presence.

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