

REDLINE TO CURRENT UNITED STATES CODE (CHAPTER 15)

§1681c. Requirements relating to information contained in consumer reports

(a) Information excluded from consumer reports

Except as authorized under subsection (b), no consumer reporting agency may make any consumer report containing any of the following items of information:

(1) Cases under title 11 or under the Bankruptcy Act that, from the date of entry of the order for relief or the date of adjudication, as the case may be, antedate the report by more than 10 years.

(2) Civil suits, civil judgments, and records of arrest that, from date of entry, antedate the report by more than seven 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 seven years.

(4) Accounts placed for collection or charged to profit and loss which antedate the report by more than seven years.

(5) Any other adverse item of information, other than records of convictions of crimes which antedates the report by more than seven years.

(6) The name, address, and telephone number of any medical information furnisher that has notified the agency of its status, unless-

(A) such name, address, and telephone number are restricted or reported using codes that do not identify, or provide information sufficient to infer, the specific provider or the nature of such services, products, or devices to a person other than the consumer; or

(B) the report is being provided to an insurance company for a purpose relating to engaging in the business of insurance other than property and casualty insurance.

(7) With respect to a consumer reporting agency described in [section 1681a\(p\) of this title](#), any information related to a veteran's medical debt if the date on which the hospital care, medical services, or extended care services was rendered relating to the debt antedates the report by less than 1 year if the consumer reporting agency has actual knowledge that the information is related to a veteran's medical debt and the consumer reporting agency is in compliance with its obligation under section 302(c)(5) of the Economic Growth, Regulatory Relief, and Consumer Protection Act.

(8) With respect to a consumer reporting agency described in [section 1681a\(p\) of this title](#), any information related to a fully paid or settled veteran's medical debt that had been characterized as delinquent, charged off, or in collection if the consumer reporting agency has actual knowledge that the information is related to a veteran's medical debt and the consumer reporting agency is in compliance with its obligation under section 302(c)(5) of the Economic Growth, Regulatory Relief, and Consumer Protection Act.

(b) Exempted cases

(1) The provisions of paragraphs (1) through (5) of subsection (a) are not applicable in the case of any consumer credit report to be used in connection with-

(A4) a credit transaction involving, or which may reasonably be expected to involve, a principal amount of \$150,000 or more;

(B2) the underwriting of life insurance involving, or which may reasonably be expected to involve, a face amount of \$150,000 or more; or

(C3) the employment of any individual at an annual salary which equals, or which may reasonably be expected to equal \$75,000 or more.

(2) The provisions of paragraph (2) of subsection (a) are not applicable, as it relates to criminal behavior involving injury to a person, in the case of any consumer report provided to an organization providing programs, activities or services to vulnerable persons, to be used in connection with the service of any administrator, employee, contractor, or volunteer for a position that predominately provides direct services to vulnerable persons.

§1681t. Relation to State laws

(a) In general

Except as provided in subsections (b) and (c), this subchapter does not annul, alter, affect, or exempt any person subject to the provisions of this subchapter from complying with the laws of any State with respect to the collection, distribution, or use of any information on consumers, or for the prevention or mitigation of identity theft, except to the extent that those laws are inconsistent with any provision of this subchapter, and then only to the extent of the inconsistency.

(b) General exceptions

No requirement or prohibition may be imposed under the laws of any State-

(1) with respect to any subject matter regulated under-

(A) subsection (c) or (e) of [section 1681b of this title](#), relating to the prescreening of consumer reports;

(B) [section 1681i of this title](#), relating to the time by which a consumer reporting agency must take any action, including the provision of notification to a consumer or other person, in any procedure related to the disputed accuracy of information in a consumer's file, except that this subparagraph shall not apply to any State law in effect on September 30, 1996;

(C) subsections (a) and (b) of [section 1681m of this title](#), relating to the duties of a person who takes any adverse action with respect to a consumer;

(D) [section 1681m\(d\) of this title](#), relating to the duties of persons who use a consumer report of a consumer in connection with any credit or insurance transaction that is not initiated by the consumer and that consists of a firm offer of credit or insurance;

(E) [section 1681c of this title](#), relating to information contained in consumer reports, except that this subparagraph shall not apply to any State law in effect on September 30, 1996;

(F) [section 1681s-2 of this title](#), relating to the responsibilities of persons who furnish information to consumer reporting agencies, except that this paragraph shall not apply-

(i) with respect to [section 54A\(a\) of chapter 93](#) of the Massachusetts Annotated Laws (as in effect on September 30, 1996); or

(ii) with respect to [section 1785.25\(a\)](#) of the California Civil Code (as in effect on September 30, 1996);

(G) [section 1681g\(e\) of this title](#), relating to information available to victims under [section 1681g\(e\) of this title](#);

(H) [section 1681s-3 of this title](#), relating to the exchange and use of information to make a solicitation for marketing purposes;

(I) [section 1681m\(h\) of this title](#), relating to the duties of users of consumer reports to provide notice with respect to terms in certain credit transactions;

(J) subsections (i) and (j) of [section 1681c-1 of this title](#) relating to security freezes; or

(K) subsection (k) of [section 1681c-1 of this title](#), relating to credit monitoring for active duty military consumers, as defined in that subsection;

(2) with respect to the exchange of information among persons affiliated by common ownership or common corporate control, except that this paragraph shall not apply with respect to subsection (a) or (c)(1) of [section 2480e of title 9](#), Vermont Statutes Annotated (as in effect on September 30, 1996);

(3) with respect to the disclosures required to be made under subsection (c), (d), (e), or (g) of [section 1681g of this title](#), or subsection (f) of [section 1681g of this title](#) relating to the disclosure of credit scores for credit granting purposes, except that this paragraph-

(A) shall not apply with respect to sections 1785.10, 1785.16, and 1785.20.2 of the California Civil Code (as in effect on December 4, 2003) and section 1785.15 through section 1785.15.2 of such Code (as in effect on such date);

(B) shall not apply with respect to sections 5–3–106(2) and 212–14.3–104.3 of the Colorado Revised Statutes (as in effect on December 4, 2003); and

(C) shall not be construed as limiting, annulling, affecting, or superseding any provision of the laws of any State regulating the use in an insurance activity, or regulating disclosures concerning such use, of a credit-based insurance score of a consumer by any person engaged in the business of insurance;

(4) with respect to the frequency of any disclosure under [section 1681j\(a\) of this title](#), except that this paragraph shall not apply-

(A) with respect to section 12–14.3–105(1)(d) of the Colorado Revised Statutes (as in effect on December 4, 2003);

(B) with respect to section 10–1–393(29)(C) of the Georgia Code (as in effect on December 4, 2003);

(C) with respect to section 1316.2 of title 10 of the Maine Revised Statutes (as in effect on December 4, 2003);

(D) with respect to sections 14–1209(a)(1) and 14–1209(b)(1)(i) of the Commercial Law Article of the Code of Maryland (as in effect on December 4, 2003);

(E) with respect to section 59(d) and [section 59\(e\) of chapter 93](#) of the General Laws of Massachusetts (as in effect on December 4, 2003);

(F) with respect to section 56:11–37.10(a)(1) of the New Jersey Revised Statutes (as in effect on December 4, 2003); or

(G) with respect to [section 2480c\(a\)\(1\) of title 9](#) of the Vermont Statutes Annotated (as in effect on December 4, 2003); or

(5) with respect to the conduct required by the specific provisions of-

(A) [section 1681c\(g\) of this title](#);

(B) [section 1681c–1 of this title](#);

(C) [section 1681c–2 of this title](#);

(D) [section 1681g\(a\)\(1\)\(A\) of this title](#);

(E) [section 1681j\(a\) of this title](#);

(F) subsections (e), (f), and (g) of [section 1681m of this title](#);

(G) [section 1681s\(f\) of this title](#);

(H) [section 1681s–2\(a\)\(6\) of this title](#); or

(I) [section 1681w of this title](#).

(6) with respect to limiting the ability of a consumer reporting agency from including information regarding convictions, civil suits, civil judgments, and records of arrest as it relates to criminal behavior involving injury to a person, in the case of any consumer credit report provided to an organization providing programs, activities or services to vulnerable persons, to be used in connection with the service of any administrator, employee, contractor, or volunteer for a position that predominately provides services to vulnerable persons.

§1681a. Definitions; rules of construction

(a) Definitions and rules of construction set forth in this section are applicable for the purposes of this subchapter.

(bb) VULNERABLE PERSONS RELATED TERMS

(1) the term “criminal behavior involving injury to a person” —

(A) means offenses under state or federal law causing injury or death of a person, including—

- (i) kidnapping;
- (ii) human trafficking;
- (iii) assault;
- (iv) sexual assault;
- (v) sexual abuse;
- (vi) sexual exploitation;
- (vii) domestic violence;
- (viii) physical abuse;
- (ix) injury to a vulnerable person; or
- (x) abandoning or endangering a child.

(B) does not include any offense for which an individual has been acquitted or pardoned.

(2) the term “vulnerable person” means individuals—

(A) under eighteen years of age;

(B) with an intellectual disability, developmental disability or impairment such that that individual is vulnerable to coercion or undue influence; or

(C) with impaired or limited decision-making capacity.”