

SENATE BILL 1758

By Lamar

AN ACT to amend Tennessee Code Annotated, Title 38, Chapter 6; Title 45; Title 47; Title 56 and Title 62, relative to consumer reporting agencies.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 50, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Consumer report" has the same meaning as defined in § 47-18-1002; and

(2) "Consumer reporting agency" has the same meaning as defined in § 47-18-1002.

(b) Except as provided in subsection (c), a consumer reporting agency shall not create or furnish a consumer report containing the following information:

(1) Bankruptcies that, from the date of the order for relief, antedate the report by more than seven (7) years;

(2) Suits that, from the date of filing, and satisfied judgments that, from the date of entry, antedate the report by more than seven (7) years;

(3) Unsatisfied judgments that, from the date of entry, antedate the report by more than seven (7) years;

(4) Unlawful detainer actions where the defendant was the prevailing party or where the action was resolved by settlement agreement;

(5) Paid tax liens that, from the date of payment, antedate the report by more than seven (7) years;

(6) Accounts placed for collection or charged to profit and loss that antedate the report by more than seven (7) years;

(7) Records of arrest, indictment, information, or conviction of a Class B, C, D, or E felony offense or a misdemeanor offense that, from the date of disposition, release, or parole, antedate the report by more than seven (7) years; or

(8) Other adverse information that antedates the report by more than seven (7) years.

(c) The provisions in subsection (b) do not apply if the consumer report is to be used:

(1) In the underwriting of life insurance involving, or that may reasonably be expected to involve, an amount of two hundred fifty thousand dollars (\$250,000) or more; or

(2) By an employer who is explicitly required by a governmental regulatory agency to check for records that are prohibited by subsection (b) when the employer is reviewing a consumer's qualification for employment.

(d) If a consumer reporting agency includes information in a consumer report in violation of subsection (b), then the person to whom the consumer report applies may dispute the completeness or accuracy of such information, as provided under the federal Fair Credit Reporting Act (15 U.S.C. § 1681i).

(e) A violation of this section constitutes a violation of the Tennessee Consumer Protection Act of 1977, compiled in part 1 of this chapter. A violation of this section constitutes an unfair or deceptive act or practice affecting trade or commerce and is subject to the penalties and remedies as provided in the Tennessee Consumer Protection Act of 1977.

(f) The attorney general and reporter has all of the investigative and enforcement authority that the attorney general and reporter has under the Tennessee Consumer Protection Act of 1977 relating to alleged violations of this section. The attorney general and reporter may institute any proceedings involving alleged violations of this section in Davidson County circuit or chancery court or any other venue otherwise permitted by law.

(g) Costs of any kind or nature cannot be taxed against the attorney general and reporter or the state in actions commenced under this section.

SECTION 2. This act takes effect July 1, 2024, the public welfare requiring it.